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PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, FIRST SESSION

SENATE

FRIDAY, JULY 26, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, whose rule is law, but whose name is love, Thou hast given us Thy wide and wonderful earth where Thou hast housed us as royal children. Keep us, we beseech Thee, from absorption in our own selves and from irritable haste as we face the tasks Thou hast given us to accomplish. Let Thy refining fire burn through all our falsehoods and evasions. Deliver us, and especially those who stand above their fellows in posts of public office, from the arrogance which lurks in earthly power. Help us to know that when we forget Thee whatever we build is labor lost; that only in Thy life is our enduring life, and only in Thy will is our peace. Through Christ, our Redeemer. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Thursday, July 25, 1957, was approved, and its reading was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 7697) to provide additional facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 7697) to provide additional facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, was read twice by its title and referred to the Committee on Armed Services.

THE DEBATE ON THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, as the Senate continues to debate the civil-rights bill, it becomes more and more apparent that the Senate was very wise in the beginning in insisting on a thorough examination of the bill which was sent to Congress by the Attorney General.

Many groups in the United States now realize that the bill cannot be approached on the basis of "do not touch a hair on it." They understand that the bill has far-reaching implications, and that thoughtful Senators must be absolutely certain of what they are doing when they finally vote on this proposed legislation.

This morning the Washington Post published an editorial presenting some very interesting points concerning the procedures of the Commission which will be set up under the bill.

Some representatives of organized labor have expressed to me deep concern over the absence of an adequate jury-trial provision. These members of organized labor—thoughtful men, Mr. President; not yes men—recall the days before the Norris-La Guardia Act was passed, when Federal judges had absolute power to break a strike, and when workingmen were not permitted to submit the facts to a jury composed of their fellow citizens. Some of them have told me that they believe new life should be breathed into the Norris-La Guardia Act.

Mr. President, many very able Senators on both sides of the aisle are now working on this problem, and are attempting to devise suitable language to incorporate proper and enduring safeguards. The Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Pennsylvania [Mr. CLARK] have submitted amendments; and other amendments will be proposed, I have no doubt. These are proposals, Mr. President, which in my judgment would state clearly that a court has powers to enforce its decrees, but which also would maintain the fundamental basis of our freedom, namely, the right of trial by jury.

I have every confidence in the ability of the Senate to work out a meaningful and effective right-to-vote bill. A meaningful and effective bill does not require the Senate, however, to indulge in any "slick" maneuvers to bypass the jury system. The Senate can pass a positive bill which will provide for a Commission with subpena power, which will provide for an additional Assistant Attorney General in this field, will provide for protecting and safeguarding the right to vote for all our citizens, and will provide that a court shall be permitted to enforce its orders, but without bypassing the right of trial by jury.

Mr. President, I ask unanimous consent that the editorial entitled "Open Rights Hearings," which was published this morning in the Washington Post, be printed at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post of July 26, 1957]

OPEN RIGHTS HEARINGS

As the proposed Civil Rights Commission comes under closer scrutiny in the Senate, demands are arising for modification of its powers in several particulars. One provision that is giving Senators concern is that authorizing the Commission to "utilize services of voluntary and uncompensated personnel" while paying such persons subsistence allowances. In a delicate inquiry of this kind the Commission ought to have full control over its investigators. Surely it can obtain all the assistance it will need through full-time employees and from the hearing of witnesses without opening the door to a miscellaneous group of hangers-on.

The bill also contains an invitation to the Commission to operate behind closed doors. It provides that "if the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall * * * receive such evidence or testimony in executive session * * *." Some closed sessions may be necessary to avoid unfair reflections upon individuals, but these should certainly be an exception to the general rule. In our opinion, this section ought to be rewritten in more positive vein to provide that sessions of the Commission should be open to the public, unless it should find that closed hearings were essential to avoid unfairness.

The House also wrote into the bill a dangerous section providing for the fining or imprisonment for not more than 1 year of anyone who might release or use in public, without the consent of the Commission, any testimony taken behind closed doors. If the Commission should choose to operate under cover, without any valid reason to do so, newspaper reporters and other citizens could be jailed for disclosure of what a witness might voluntarily tell them. This is a penalty that has been shunned even in matters affecting national security. Such a provision is an invitation to abuse and a serious menace to the right of the people to know about the activities of governmental agencies.

It is well to remember that this would not be merely a study Commission. In addition it would be under obligation to investigate allegations that persons were being deprived of their rights under the 14th and 15th amendments. It could subpena witnesses and documents and appeal to the courts for enforcement of such edicts. Its powers would be such that it should be held to scrupulous rules of fairness. To encourage the Commission to operate in secret, and then to penalize news media and citizens for disclosing what should have been public in the first place, would be the sort of mistake that Congress ought to avoid at the outset.

ORDER FOR RECESS TO MONDAY AT 12 O'CLOCK

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 12 o'clock noon, on Monday.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes at 12 o'clock noon, on Monday, there be the usual morning hour for the transaction of routine business only, and that statements in that connection be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce that the Senate has a rather large Executive Calendar. In addition, on the Legislative Calendar of the Senate there are a number of bills and other measures which could be called up. However, the distinguished minority leader, the senior Senator from California [Mr. KNOWLAND] announced, when the motion was made to have the Senate proceed to the consideration of the civil-rights bill, that during the consideration of that bill he would object to having the Senate take up any other measure, other than some measure of the greatest urgency. Of course, unanimous consent would be required.

The distinguished Senator from Georgia [Mr. RUSSELL] has conferred with a group of Senators who are working with him; and he concurred in the decision made by the Senator from California.

Although I should like to have the Senate proceed to the consideration of some nominations on the Executive Calendar, and although I should like to have the Senate proceed to the consideration of certain bills on the calendar which would not require a great deal of time, in the present state of affairs I am unable to have the Senate do so.

I have talked to the Senator from California, who is very cooperative; and I think he is willing to amend his decision somewhat, so that the Senate can act on some Executive nominations, and perhaps can pass some of the bills on the calendar which are not too controversial. Certainly we can send some measures to conference, and can take up certain conference reports.

I have also talked again to the Senator from Georgia [Mr. RUSSELL], who tells me that he will confer again with his group.

As soon as I am able to make an announcement, I shall do so.

All Senators are now on notice that there will not be a session of the Senate on tomorrow, Saturday. The Senate will meet on Monday, in accordance with the order which has already been entered. I hope the sessions next week will be as effective as those this week have been.

VISIT TO THE SENATE BY REPRESENTATIVES OF THE PARLIAMENTS OF GREAT BRITAIN, FINLAND, INDIA, AND GHANA

Mr. SMITH of New Jersey. Mr. President, I rise to a matter of personal privilege. Today the Senate is being honored by the visits of four Members of the Parliaments of Great Britain, Finland, India, and Ghana. Present on the floor are the following distinguished Members of the Parliaments of their respective countries:

Dowuona Hammond, a member of Prime Minister Nkrumah's party in the Ghana Parliament.

(Mr. Hammond rose and was greeted with applause.)

Mr. SMITH of New Jersey. Second, Mr. Urho Kaehoenen, Member of the Finnish Parliament and Chairman of the Grand Privy Council of Finland.

(Mr. Kaehoenen rose and was greeted with applause.)

Mr. SMITH of New Jersey. Third, John McGovern, for 27 years a Member of the British House of Commons. I am not sure he is present.

Fourth, Mrs. Savitri Nigam, Member of Parliament from India.

(Mrs. Nigam rose and was greeted with applause.)

VISIT TO THE SENATE BY REPRESENTATIVES OF 26 COUNTRIES IN WASHINGTON IN CONNECTION WITH THE PLAY, THE NEXT PHASE

Mr. SMITH of New Jersey. Mr. President, at this time a distinguished group of persons from 26 countries, including a number of the countries of Africa, is in the Senate gallery.

It is important for us to stress the point that the countries of Africa have been worked on extensively by the Soviet Union in an attempt to have a number of young Africans sent to Moscow to the youth conference the Russians are planning to hold there soon.

In the United States a countermovement is under way, and some of the people of the United States have been dedicating themselves to an endeavor to offset the Soviet Union effort by inviting some of the young people of the world to visit the United States.

Recently, a group from Japan visited the United States, and today the Senate is honored by being visited by this group of visitors from Africa, who are accompanied by other distinguished visitors.

The members of this group are trying to offset the ideology of Moscow and communism with the ideology of the basic fundamentals of Christianity and of living peacefully together. This objective has been helped and aided by our friends of the Moral Re-Armament movement. They are presenting a play based on their convictions entitled "The Next Phase," which was written by Dowuona Hammond, our guest today from the Ghana Parliament. A performance of this play will be given in Washington tonight, and I commend it to anyone interested in the objectives of the movement.

This group of about 130 persons, mostly African citizens, are in this country to state their convictions as to what they believe is the proper approach to the desperate issues before the world today. They are seated in the gallery to my left. I shall not read all the names, but I ask unanimous consent that there may be printed in the RECORD a list of some of the more prominent members of the group, and I wish to emphasize that the King of Bunyoro in Uganda is among those present.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

His Highness the Omukama of Bunyoro, Uganda, Sir Tito Winyi IV;

Dr. William Nkomo, founder of the African National Congress Youth League;

Air Vice Marshal T. C. Traill, Great Britain, Royal Air Force (ret.);

Rajmohan Gandhi, journalist, grandson of Mahatma Gandhi;

Prince Andre de Bourbon Parma of France;

Mme. Irene Laure, former Member of the French Parliament from Marseille; who was elected by the largest majority in French history, described by Robert Schuman as the person who has done most to bring France and Germany together since World War II;

Justice C. J. Claassen, Judge President (Chief Justice) of the High Court of Southwest Africa.

Mr. SMITH of New Jersey. Mr. President, I ask the visitors to rise.

[The visitors rose and were greeted with applause.]

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. JOHNSON of Texas. I wish to thank the distinguished Senator from New Jersey for the very fine service he has performed for our country in presenting the distinguished guests this morning. He conferred with me earlier about the presentation. I wholeheartedly concur in everything he has said. I should like to associate myself with his remarks, and to assure our distinguished visitors that we extend to them a cordial welcome, and we are very happy that they can be with us.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. KNOWLAND. I wish to say that, as the minority leader, I also want to join with the distinguished Senator from New Jersey and the distinguished majority leader in extending the welcome of the entire Senate to the distinguished visitors we have visiting us today.

Mr. SMITH of New Jersey. I thank the Senator.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. WILEY. As has been stated, there are in the gallery 130 men and women from Africa. They are from 15 countries. Let us emphasize that—15 countries in Africa. What are they here for? They are here because they have faith in an ideology which has been of tre-

mendous force throughout the world. Let us be frank. I heard, on the day before yesterday, a great speech by the junior Senator from Minnesota [Mr. HUMPHREY] in relation to what our material aid in the form of food was doing in bringing to other countries and peoples of the world the meaning of our American concepts. The ladies and gentlemen who are visiting us represent what is known as Moral Re-Armament. The Dark Continent is no longer dark, because of the activities there of men and women who are filled with the spirit of honesty, purity, unselfishness, and love. These are the four concepts these people stand for. Wherever they have met communism they have worsted it.

They have written a play. The play is called The Next Phase. It is being produced at the National Theater. The words themselves are almost prophetic. The next phase to what? The next phase in our efforts to find more light in meeting the problems which face the world. We know that cannon and weapons constitute only what might be called standing guard at the gate so that the ruffians will not enter. This ideology goes to the ruffians and molds them into the shape of God's children, so that they no longer are ruffians.

Mr. President, I speak with feeling on the subject, because I have seen reformations of that character that have taken place in the world—in America, in Europe, and elsewhere. Let us have a clear understanding. This is not a religious sect. It is not in conflict with any religion. It sustains all religions that uphold these ideas and principles.

I, too, join, Mr. President, in welcoming also the distinguished members of other parliaments who are on the Senate floor and who are also exponents of Moral Re-Armament. They have come from abroad to participate in a conference where men are, as it were, refilled mentally and spiritually with the great ideals which can make men over to save mankind. So I, for one, am very happy to welcome all our visitors in the gallery and our colleagues from Finland, Britain, India, and Ghana to the Senate of the United States.

Mr. SMITH of New Jersey. Mr. President, I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

A letter from the Acting Executive Secretary, National Advisory Committee for Aeronautics, Washington, D. C., transmitting, pursuant to law, a report of that committee, for the period January 1, 1957, to June 30, 1957 (with an accompanying report); to the Committee on Armed Services.

DISPOSAL OF CERTAIN FEDERAL PROPERTY IN BOULDER CITY, NEV., AREA

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON TORT CLAIMS PAID BY CENTRAL INTELLIGENCE AGENCY

A letter from the Director, Central Intelligence Agency, Washington, D. C., reporting, pursuant to law, on tort claims paid by that Agency, for the fiscal year 1957; to the Committee on the Judiciary.

PROPOSED AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED

A letter from the Chairman, United States Atomic Energy Commission, Washington, D. C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

CONCURRENT RESOLUTION OF FLORIDA LEGISLATURE

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Florida, which was referred to the Committee on the Judiciary:

Senate Concurrent Resolution 116

A concurrent resolution memorializing Congress to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to appeals from decisions of the Supreme Court of the United States involving States rights to the Senate of the United States

Be it resolved by the Senate of the State of Florida (the House of Representatives concurring), That the Florida State Legislature does hereby make application to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States, to wit:

"ARTICLE —

"SECTION 1. Jurisdiction of Senate as an appellate court: The Senate of the United States shall comprise a court with final appellate jurisdiction to review decisions and judgments of the Supreme Court of the United States, where questions of the powers reserved to the States, or the people, are either directly or indirectly involved and decided, and a State is a party or anywise interested in such question involved and decided. The Senate's exercise of such final appellate jurisdiction shall be under such rules and regulations as may be provided by the Senate, including the time within which appeals shall be taken. The decision of the Senate affirming, modifying, or reversing the decision or judgment of the Supreme Court of the United States shall be final"; be it further

Resolved, That the Congress of the United States be, and it is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

Filed in the office secretary of state June 5, 1957.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREEN, from the Committee on Foreign Relations, without amendment:

S. J. Res. 95. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes (Rept. No. 720).

By Mr. GREEN, from the Committee on Foreign Relations, with an amendment:

S. 538. A bill to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes (Rept. No. 721).

By Mr. CHAVEZ, from the Committee on Public Works, without amendment:

S. 620. A bill to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads (Rept. No. 722);

S. 1003. A bill to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof (Rept. No. 728);

S. 2108. A bill to amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration (Rept. No. 723);

S. 2109. A bill to amend an act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom the area within E and F Streets and 19th Street and Virginia Avenue NW., in the District of Columbia (Rept. No. 724);

S. 2217. A bill to authorize the Secretary of the Army to sell certain lands at the McNary Lock and Dam project, Oregon and Washington, to the port of Walla Walla, Wash. (Rept. No. 725);

S. 2228. A bill to amend section 5 of the Flood Control Act of August 18, 1941, as amended, pertaining to emergency flood control work (Rept. No. 726);

S. 2441. A bill to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr. (Rept. No. 727);

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee River be known as Lake Seminole (Rept. No. 731); and

H. R. 3996. An act to authorize the utilization of a limited amount of storage space

in Lake Texoma for the purpose of water supply for the city of Sherman, Tex. (Rept. No. 730).

By Mr. CHAVEZ, from the Committee on Public Works, with amendments:

S. 1785. A bill designating the reservoir located above Heart-Butte Dam, in Morton County, N. Dak., as Lake Tschida, and for other purposes (Rept. No. 729).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports were submitted:

By Mr. BYRD, from the Committee on Finance:

Fred C. Scribner, Jr., of Maine, to be Under Secretary of the Treasury, vice H. Chapman Rose;

Edwin A. Leland, Jr., of New Orleans, La., to be Comptroller of Customs, with headquaretrs at New Orleans, La.;

Jeremiah A. McGimsey, of Nogales, Ariz., to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz.; and

Carl F. White, of Santa Monica, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

By Mr. GREEN, from the Committee on Foreign Relations:

Executive E, 85th Congress, 1st session. The Protocol to the International Convention for the Regulation of Whaling, signed at Washington under date of December 2, 1946, which protocol was signed at Washington under date of November 19, 1956; without reservation (Ex. Rept. No. 8).

Executive M, 85th Congress, 1st session. An amendment to the International Convention for the Safety of Life at Sea, together with a proposal for amendment originated with the Government of the United Kingdom and contained in a memorandum, dated at London in May 1955; without reservation (Ex. Rept. No. 9).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POTTER:

S. 2639. A bill for the relief of Kathleen Pierce; and

S. 2640. A bill for the relief of Ausbert Lee Dixson; to the Committee on the Judiciary.

By Mr. MARTIN of Pennsylvania:

S. 2641. A bill to clarify the Internal Revenue Code of 1954 with respect to the allowance of the percentage depletion in the case of sand and gravel extracted from navigable waters; to the Committee on Finance.

By Mr. CARLSON:

S. 2642. A bill to authorize the sale of a certain number of merchant-type vessels to citizens of, or the Government of Cuba; to the Committee on Interstate and Foreign Commerce.

By Mr. MONRONEY:

S. 2643. A bill for the relief of Steven Lee Hays (Yoo Hee Yun) and Nancy Karen Hays (Yoo Deebies); to the Committee on the Judiciary.

By Mr. JOHNSON of Texas:

S. 2644. A bill to direct the Secretary of the Army or his designee to convey a 7.4569-acre tract of land out of Fort Crockett Military Reservation, situated within the city of Galveston, county of Galveston, Tex., to the State of Texas; to the Committee on Armed Services.

By Mr. BEALL:

S. 2645. A bill for the relief of Max Kahn; to the Committee on the Judiciary.

By Mr. JENNER:

S. 2646. A bill to limit the appellate jurisdiction of the Supreme Court in certain cases; to the Committee on the Judiciary.

(See the remarks of Mr. JENNER when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 2647. A bill for the relief of Herman E. Tenzler; to the Committee on Finance.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. CURTIS of Nebraska (for Mr. SCHOEPPEL):

Statement prepared by Mr. SCHOEPPEL, together with certain correspondence, relating to the subject of Congressional support of the President.

By Mr. WILEY:

Statement prepared by him regarding the biennial youth festival of the International Union of Students.

By Mr. MARTIN of Pennsylvania:

Roster of Tenth Pennsylvania Volunteer Infantry, as of July 15, 1957.

WHO HAS BENEFITED DIRECTLY FROM HIGHER INTEREST RATES?

Mr. BUSH. Mr. President, in recent years we have been going through a period of great inflationary pressures. As a result, money has become "tight." The Federal Reserve System has instituted a program of vigorous credit restraint designed to hold the lid on prices, a program supported by the Eisenhower administration.

The credit restraint program obviously includes many measures, one of which is that interest rates are permitted to rise. The function of higher interest rates is to restrain the money supply from expanding too rapidly. Holding the lid on the money supply is our best defense against price rises. It is the best safeguard for holding the value of our dollar as stable as possible.

But recently we have heard much about higher interest payments benefitting only the few. We have heard charges that bankers get all the direct benefits from higher interest.

I wish to call attention to some tables which show the direct benefits of the rise in interest rates during the past 4 years. We need to look at the facts concerning the direct benefits of interest payments, to clarify whether or not bankers alone have received these direct benefits.

We should not be unduly concerned with the direct benefits, however. We must continually bear in mind the indirect effects of rising interest rates as a weapon in credit restraint and an anti-inflation program. These indirect effects are far more important than the question of who gains directly from higher interest.

But with that reservation let us look at these tables. The tables show the amount by which interest payments have increased between 1952 and 1956 for three major classes of lending institutions; namely, commercial banks, mutual savings banks, and savings and loan associations.

In each case, what these figures show is, first, the increase in the interest which lending institutions receive; and, second, the increase in the interest which lending institutions pay out to millions of depositors.

Commercial banks, table 1: Considering first commercial banks, there has been a marked increase in the interest which commercial banks receive. Interest received by commercial banks on United States Government securities increased 22.2 percent between 1952 and 1956. On other securities—including dividends—interest paid to commercial banks rose 33.6 percent. Interest on loans—including discount—increased by 58.3 percent.

Altogether interest received by commercial banks increased by 46.7 percent.

Yet, in the same period, 1952 through 1956, interest paid out by commercial banks on time and savings deposits rose by 75.9 percent.

In other words, interest paid out to depositors increased much faster than interest received by commercial banks. So in this case, higher interest rates have directly benefited millions of depositors in commercial banks.

When we consider these facts, the charge that only bankers have gained from rising interest rates appears obviously erroneous, and not simply a difference of opinion.

Incidentally, the tables show also what has happened to commercial bank profits during this same period, 1952 through 1956. Net profits before income taxes rose 20.6 percent and after income taxes 22.9 percent. Thus, even though interest received by the banks rose 46.7 percent, this is not a measure of how their profit position improved. When the 22.9 percent gain in profits actually received is compared with the 75.9 percent gain in interest payments paid out to millions of depositors, it is obvious who has benefited directly most from rising interest payments.

As I mentioned before, we should continually remember that here we are only telling part of the story, since we are dealing with the direct benefits. In addition, rising interest rates indirectly benefit depositors because their savings are protected to the extent that inflation is held down.

Mutual savings banks, table 2: If we now turn to examination of another very important lending institution which charges interest, namely, mutual savings banks, we find a similar picture in the changes between 1952 and 1956.

Interest is received by mutual savings banks on four main categories: United States Government obligations, other securities—including dividends—real estate mortgage loans—net, other loans—net. On the total of these investments, interest received by mutual savings banks rose 58 percent—somewhat faster than for commercial banks.

But if we examine next the increase in interest payments which mutual savings banks paid out, we find an even greater increase—66.7 percent. In other words, interest paid out to depositors has

increased much faster than interest payments received by mutual savings banks—66.7 percent as against 58 percent. So for both commercial banks and mutual savings banks, the interest which went to depositors rose faster than the interest which went to the banks.

Savings and loan associations, table 3: If we next examine the record for savings and loan associations, another important group, again we find a similar picture.

Total interest received by savings and loan associations has more than doubled. It has increased 108 percent.

But dividends paid out by savings and loan associations—equivalent to interest in this case—has again risen much faster—by 126 percent.

While the figures are not presented here, unquestionably millions of depositors have benefited directly from rising interest rates in life insurance companies, credit unions and other lending institutions. The charge that only bankers gain from higher interest rates is nonsense.

Again, when we speak of millions of depositors in banks, savings and loans associations, and insurance companies receiving the direct benefit of higher interest, we are telling only a small part of the story. The far more important gain to savers of this country comes in preventing prices from rising faster than they otherwise would.

No doubt credit restrictions and high interest rates do increase the difficulties of borrowing. That is the purpose of credit restraint during inflation—to keep demands of the economy from exceeding the physical limits of production. The benefits accrue both directly and indirectly to the community as a whole, not to the few.

Mr. President, I ask unanimous consent that the tables to which I have referred be printed in the RECORD.

The PRESIDING OFFICER (Mr. POTTER in the chair). Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—*Recent trends for commercial banks*

	1952	1956	Percent change
Interest received by commercial banks—			
On U. S. Government obligations	$1,099,059,000	$1,342,842,000	22.2
On other securities (including dividends)	276,993,000	370,045,000	33.6
On loans (including discount)	2,742,100,000	4,339,866,000	58.3
Total	4,125,575,000	6,052,753,000	46.7
Interest paid out by commercial banks on time and savings deposits	458,059,000	805,857,000	75.9
Profits:			
Net profits before income taxes	1,684,813,000	2,031,360,000	20.6
Net profits after income taxes	989,931,000	1,216,725,000	22.9

Source: Federal Deposit Insurance Corporation.

TABLE 2.—*Recent trends for mutual savings banks*

	1952	1956	Percent change
Interest received by mutual savings banks—			
On U. S. Government obligations	$163,879,000	$146,624,000	−10.5
On other securities (including dividends)	62,958,000	102,590,000	62.9
On real estate mortgage loans, net (including discount)	326,785,000	623,586,000	90.8
On other loans and discounts, net (including discount)	4,068,000	8,439,000	107.4
Total	557,690,000	881,239,000	58.0
Interest paid out by mutual savings banks on deposits (including dividends)	365,481,000	609,335,000	66.7

Source: Federal Deposit Insurance Corporation.

TABLE 3.—*Recent trends for savings and loan associations*

	1952	1956	Percent change
Interest received by savings and loan associations—			
On mortgage loans	$775,031,000	$1,619,830,000	109.0
On investments and bank deposits	44,763,000	81,529,000	82.1
All other interest	10,203,000	24,806,000	143.1
Total	829,997,000	1,726,156,000	108.0
Dividends paid out by savings and loan associations—dividends	446,562,000	1,009,367,000	126.0

Source: Federal Home Loan Bank Board.

APPOINTMENT OF DOUGLAS McKAY TO UNITED STATES-CANADIAN INTERNATIONAL JOINT COMMISSION

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD as a part of my very brief remarks, under the 3-minute rule, two newspaper articles. One is written by the exceedingly able A. Robert Smith, the Washington correspondent for a considerable number of Oregon newspapers, and is entitled "Political Skirmishes May Return With McKay." The other is an editorial from the great liberal newspaper, the Coos Bay Times, entitled "McKay's Job Can Be Bad."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

POLITICAL SKIRMISHES MAY RETURN WITH MCKAY

(By A. Robert Smith)

WASHINGTON.—President Eisenhower's appointment of Douglas McKay to the International Joint Commission promises a return of the political and oratorical skirmishes that were so common between McKay and Northwest Democrats in Congress during Eisenhower's first term when McKay was in the Cabinet.

During the year McKay has been absent from Washington, his successor, Interior Secretary Fred A. Seaton, managed to pour enough oil on the troubled waters of power and resource development policy to make for much smoother sailing for the Eisenhower administration.

ALL BUT DIED OUT

The old cry of "giveaway" so often used by the Democrats to attack McKay and his policies had all but died out in connection with Seaton's administration of essentially the same controversial policies.

McKay, as Chairman of the United States section of the IJC, will offer the Democrats a well-known target for a resumption of attacks on the "partnership" power policy of the administration. The IJC deals with Canada on all water problems involving both countries, and the main disputes of recent years have pertained to power projects such as Libby Dam.

But it is unlikely that McKay will be directly involved in the most critical negotiations with Canada looking toward a settlement of differences which have arisen over power development of the Columbia River. For Eisenhower and the Canadian Government agreed to take this out of the hands of the IJC and turn it over to the diplomats of the two countries.

NO COMPROMISE SEEN

This came about because Len Jordan, who is stepping out as United Sates Chairman of the IJC, and Gen. A. G. L. McNaughton, Canada's top man on the IJC, became locked with no prospect of compromise on how the two countries can best share the benefits of the Columbia.

If the United States doesn't give Canada some concessions in terms of power for the upstream water storage that can be accomplished at such sites as Mica Creek in British Columbia, McNaughton wants Canada to divert part of the river away from the Northwest and send it into the Fraser River system. This would cost the Northwest power pool heavily, ultimately the equivalent of several Bonneville Dams.

McNaughton is now finishing a detailed engineering survey of the feasibility of his Columbia diversion scheme. An engineer and a war hero (he was sort of the Canadian MacArthur), McNaughton is a tough adversary.

There is no sign now that McKay is to take over Jordan's seat, that the replacement is anything more than what it appears—that Jordan did resign because something else became more attractive to him. There are reports Jordan plans to reenter Idaho politics and run for governor next year.

McKay and Jordan are similar in their views on power policy, both having been strong adherents of the "partnership" policy invoked during McKay's tenure as Interior Secretary. Indeed, McKay made a personal trip to the annual conference of governors, according to report, to persuade Jordan to take the IJC job when his gubernatorial job at Boise expired in 1954. Ironically, it is now McKay who succeeds him in the $20,000-a-year job.

Nor is there any indication that Eisenhower plans to give to McKay the authority to negotiate which was taken away from Jordan. His new job, therefore, will involve two semiannual meetings, one in Ottawa in the autumn, one in Washington in the spring, and periodic field inspection trips in between to view current joint undertakings like the St. Lawrence Seaway.

[From the Coos Bay Times of July 21, 1957]

MCKAY'S JOB CAN BE BAD

Senator RICHARD NEUBERGER, of Oregon, who everybody knows is a Democrat, thinks that it is incredible that President Eisenhower has appointed Ex-Governor, Ex-Interior Secretary Douglas McKay to a $20,000-a-year job as Commissioner on the United States-Canadian International Joint Commission. Mr. McKay quit the President's Cabinet to run against Senator NEUBERGER'S colleague, Senator WAYNE MORSE, Democrat, in the last general election. Mr. McKay, before being buried in a vote avalanche, said

some mighty harsh things about not only Mr. MORSE, but also Mr. NEUBERGER.

We don't think there is really anything very incredible about Doug McKay getting a fat Federal job. It is unfortunate that he got the job he did, from the standpoint of northwestern economic development.

Politics runs on a system of rewards and punishments. It was to be expected that Mr. McKay would get the first high-paying job that opened up which suited his fancy.

It has always struck us as odd that a candidate who meets voter disapproval should be given an election-free job. But it almost always works out that way. In Mr. McKay's case, he resigned a high-prestige, high-paying post in order to present himself as a strong opponent to the popular Senator MORSE, who had proven to be a hairshirt to both Mr. Eisenhower and to Oregon republicanism. The fact that he failed to fulfill his assignment perhaps makes his plight—outside looking in when he could still be in—more of an obligation on the Executive conscience. That's politics.

For that matter, there doesn't have to be any feeling of obligation to require appointment. The appointment generally comes anyway. Witness the recent naming of defeated United States Representative Harris Ellsworth—no Ike man by a long shot—to a top job on the Federal Communications Commission.

So Doug McKay was due to get a job, whether his policies, and perhaps his personality, had been disapproved by the voter or not.

We wish that Mr. Eisenhower had shopped around a little before handing out the plum he did. Because Mr. NEUBERGER is right in pointing out that Ex-Governor McKay is now in a position to give the back of his hand to the ungrateful voters' wishes.

If the Morse-McKay election in Oregon and the Magnuson-Langley contest in Washington proved nothing else, they proved that the people of the great Northwest still favor overall development of the water resources of the Nation; in short, they favor cheap, Federal power; and they did not give a tinker's dam about expensive private utility campaigns which claim these things are socialistic.

Doug McKay, as United States Commissioner on the international body, will be in position to sabotage public power to a greater degree than if the people of Oregon had elected him to the United States Senate.

Mr. McKay will be a key man in negotiations with the Canadian Government over uses of the mighty Columbia River, an international stream. The Columbia is the keystone to northwestern power and water resources development. The Canadians know this even if some of our own neolithic political personalities do not. There has been much talk, in fact, by our neighbor to the north of diverting much of the Columbia's Canadian flow down the Fraser watershed, providing Canada with an opportunity to build a power development even mightier than that of the United States Northwest.

It is going to take a stronger man than Douglas McKay—one with a strong belief in the needs of the Northwest and the way to supply them—to talk the Canadians out of it.

We wish he could have been rewarded with an even higher paying job, as cushy as he desired—but one in which he could not do more damage to the future of this section of the Nation, and ultimately to the whole Nation.

F. W. A.

Mr. MORSE. These two articles, Mr. President, refer to President Eisenhower's appointment of Douglas McKay to the United States-Canadian International Joint Commission.

I wish to make clear that the appointment does not call for Senate confirmation. If it did, I would use every parliamentary right available to me to prevent Mr. McKay's confirmation. When I say that, I do not mean that I would use every parliamentary right to prevent the appointment of Mr. McKay to some positions which would require Senate confirmation, such as an ambassadorship.

I consider it an affront to the people of the Pacific Northwest and the Nation who are interested in protecting the future heritage of American boys and girls in their own natural resources that Mr. McKay should be appointed to this position.

I am satisfied, Mr. President, that if the appointment had involved Senate confirmation, President Eisenhower would not have dared to ask confirmation of the appointment by the Senate.

I thought that in the historic campaign of 1956 we had settled for the time being the great issue of natural resources. The people of the Pacific Northwest, I think, clearly repudiated the Eisenhower natural resources program. The President at least ought to have had the fairness to appoint to the Commission a man who would not bring to it from the very start, of course, a revival of great differences of opinion with regard to our natural resources.

I think it is perfectly clear from the articles I am now having printed in the RECORD what the attitude is in my part of the country. Mr. President, I exceedingly regret the President's course of action.

THE CLINTON TRIAL

Mr. DOUGLAS. Mr. President, we were all, of course, greatly heartened by the decision of the jury in the Clinton, Tenn., case involving Mr. Kasper and his six codefendants. I think, however, it should be recognized that the trial took place in east Tennessee, where the influence of the Deep South is perhaps the least, and that Mr. Kasper was a northerner of unstable character who went into the area to stir up trouble, and therefore might well have aroused the opposition of the people who live there.

Mr. President, I ask unanimous consent that there be printed in the body of the RECORD as a part of my remarks a very excellent news story on the Clinton decision and its aftermath, from the New York Times of Thursday, July 25, 1957. I wish to invite attention to the statement by Mr. William Shaw, assistant attorney general of Louisiana, who was sent to Tennessee to help in the defense of these men. He stated:

There won't be any convictions by juries in segregation cases down South.

I also ask unanimous consent that there be printed in the RECORD, following the quotation from the New York Times, an editorial from the Jackson (Miss.) News, which states:

Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation.

Mr. President, I protest this reflection upon the Grand Old Party, because while I disagree with them on many things, I do not regard them as belonging to the scum and riffraff of the Nation; and I have a similar opinion of the NAACP, the AFL–CIO, and the ADA. I am not acquainted with the Civil Rights Congress, so I cannot give an endorsement to that organization.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 25, 1957]

MIXED REACTIONS FOUND IN CLINTON—THERE IS UNCERTAINTY, SHOCK, BITTERNESS, AND SATISFACTION AFTER CONVICTION OF SEVEN

CLINTON, TENN., July 24.—A heavy feeling broods over Clinton today, like the atmosphere before an electric storm.

There is some bitterness, some shock, some satisfaction over the verdict in the Clinton trial in nearby Knoxville yesterday. But mostly there is uncertainty and a hard-eyed watchfulness.

"The Ku Klux are organized," said Ova D. Abston, who runs a cider mill near the pleasant little mountain town.

"They're not going to stop now. They mean business. Make no mistake about it."

Last fall a dozen Negro students were enrolled in Clinton High School with 800 white students. It was the first State-supported school in Tennessee to mix the races, following the 1954 Supreme Court ruling that segregation was unconstitutional.

At first everything went smoothly. A Negro girl was elected chairman of her classroom.

THEN VIOLENCE FLARED

Then violence flared, mobs, rioting. A young Baptist minister, the Reverend Paul Turner, was badly beaten after he had escorted six Negro students past segregationists in the streets to the school.

Out of that came the Clinton trial.

Six men and a woman were convicted of criminal contempt for having violated a Federal court order against any interference with the desegregation of the high school.

They were Filliam Brakebill, service-station operator; Lawrence Brantley, unemployed; Alonzo Bullock, carpenter and itinerant preacher; Clyde Cook, farmer; W. H. Till, machinist; and Mrs. Mary Nell Currier, housewife; and Frederick John Kasper, segregationist organizer.

In Knoxville, counsel for Kasper and the six Clinton segregationists vowed today to appeal.

The defense attorneys said that they would appeal if denied a new trial.

NO DATE IS SET

United States District Judge Robert L. Taylor deferred sentencing pending argument on the defense's new trial motion. No date has been set.

Those convicted face a maximum sentence of 6 months in jail and $1,000 fine, or both.

Kasper, 27 years old, came into Clinton from Washington 2 days before the Negroes started to school late last August. The Government charged that he was the hub of the conspiracy organized to force them out.

Four other Clinton people were found innocent.

The jurors who returned the verdict—which surprised the courtroom and many people outside it—were 10 men and 2 women, all of them white Tennesseans.

But this is east Tennessee.

It is not the Deep South. It is a predominantly Republican community. Unlike the rest of the State, it sent men northward during the Civil War to fight on the Union side.

"There won't be any convictions by juries in segregation cases down South," William Shaw, Assistant Attorney General of Louisiana, a member of the defense battery in the trial, said.

What brought the convictions in Knoxville?

Horace Wells is one of the best qualified to talk about it. He is the editor of the weekly Clinton Courier-News. He has had three special citations from journalistic organizations around the country since the case started—and innumerable vicious, ugly, warning letters and postcards, mostly anonymous.

"There is no question that the majority of people here are against integration," he said.

"They didn't want it, but they were willing to go along with it, last fall. Then the situation changed.

"Prejudice has built up. It's going to take a long time to overcome the prejudice."

[From the Jackson (Miss.) News]

NOT SOUTHERN SENTIMENT

The conviction is understandable. First, the trial took place in Knoxville, which happens to be a hotbed of Republicans and always has been, even back in the days of the War Between the States. Second, Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation. Finally, the verdict is a warning to the South of what vicious elements now in control of the Government intend to do to our section of the Nation.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent to have printed in the body of the RECORD a very able editorial from the St. Louis Post-Dispatch entitled "Verdict at Clinton."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VERDICT AT CLINTON

Coming in the middle of the civil-rights debate in Washington, the contempt convictions in Tennessee are bound to stir up emotions in the South and wrangles in Congress. Hence it is necessary to understand what the issue was at Clinton.

The issue was not civil rights in general or public school integration in particular. It was certainly not white supremacy or historic southern traditions. Nor was it the advisability of jury trial in contempt proceedings.

The issue was maintenance of law and order. On this basis the Knoxville jury convicted John Kasper, the northern rabble-rouser, and six of his Tennessee associates of conspiracy to violate a Federal injunction against interference with the integration of Clinton High School. And on that basis the jury did what a decent respect for law and order obliged it to do.

There would have been little peace disturbance at Clinton had it not been for the demagogic Kasper and his associates. There was, in fact, no trouble until Kasper arrived and fomented resistance to integration, and members of the White Citizens Council began picketing the high school. But from that point on the few Negro children attending the school had to walk a gauntlet of threatening witnesses. The climax came with the beating of a young Baptist minister who had escorted some of the children to school.

Defense attorneys did everything but wave the Dixie battleflag to distract the jurors' attention from the main issue. They blasted integration; they decried enemies of the Anglo-Saxon race. But Federal District Judge Robert L. Taylor pointed out that integration was not the question. The question, he said, was whether a court order supporting the law of the land had been violated. To their credit, the Clinton jurors disregarded irrelevancies and upheld the law.

No doubt this vredict will have reverberations in the United States Senate. For southern Senators are trying to impose a requirement in the civil-rights bill for jury trial in Federal civil contempt cases involving civil rights. But the Clinton case is not relevant to their cause.

On legal grounds, the Clinton case only followed Federal statute, which provides for jury trial in criminal contempt proceedings involving private litigants, but not in civil contempt cases arising from a Government action. No southern State provides for jury trial in such proceedings.

On practical grounds, it must be pointed out that east Tennessee is not the Deep South, and the reactions of juries in the Deep South with reference to civil rights cannot be judged by what happened at Knoxville. In fact, if the southern Senators really thought juries in their home States would convict in such cases, they would hardly be eager for a jury trial amendment.

Fortunately the House rejected a jury trial provision to the civil-rights bill before passing it to the Senate. And now Republican Leader KNOWLAND predicts that the provision will not be added by his Chamber. But the California Senator has told President Eisenhower that probable defeat faces section III, which would permit the Attorney General to seek civil injunctions protecting all civil rights.

Defeat of section III would leave three main items in the civil rights bill: new protection for the right to vote, establishment of a civil-rights branch in the Justice Department, and creation of an investigative commission. This much would be a considerable advance in protection for the rights of all citizens.

But there are many rights for Americans other than the right to vote. Protection for these should not be set aside to appease a southern bloc which is beyond appeasement.

CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD an extremely good letter addressed to the editor by a former judge, Dorothy Kenyon, published in this morning's issue of the New York Times, protesting against the inclusion of a jury-trial provision in the pending bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TO PROTECT CIVIL RIGHTS: ELIMINATION OF JURY TRIALS IN BILL SEEN AS EFFECTIVE LEGAL REMEDY

(The writer of the following letter is a former justice of the municipal court:)

To the EDITOR OF THE NEW YORK TIMES:

Women won the right to vote less than 40 years ago. Negroes were luckier; they won it almost 60 years earlier. But once won nobody opposed women's exercising their hard-won right. The same is not true of Negroes. In certain parts of the country, although possessing the right to vote. Negroes cannot do so. They have no effective means of enforcing their right. The old remedies have broken down.

Right without remedies, that paradox of the law so puzzling to most lay people, could have no better illustration. What part IV of the pending civil-rights bill seeks to do is to supply an effective new remedy.

In certain areas of the South (we have to face it) the old remedy by criminal process and trial by jury of one's peers is worthless. No remedy worthy of the name exists for deprivation of his voting rights, there being no justice for black men before all-white juries. So we have to invent another remedy. The history of the law is full of just such examples of the age-long search for remedies to give meaning and substance to otherwise empty rights.

AMENDMENTS OPPOSED

The heart of this section of the bill, make no mistake, is its elimination of trial by jury. Hitch on a jury provision (no matter how limited, as suggested by some, to facts actually in dispute; and what cases cannot be so converted by the simple expedient of the defendant's pleading not guilty?) and you will have cut out the heart of this new remedy. The bill becomes a worthless piece of paper.

Why, then, all the outcry about the sacred right of trial by jury, the conflict of civil liberties involved, and so forth? Many people are confused by such talk. What is the answer and the argument in favor of this new remedy?

First, there is no constitutional right to trial by jury in injunction cases where the Government is the plaintiff. In the strict sense, therefore, no civil liberties issue is involved. It becomes merely a question of the wisdom, on balance, of extending jury trials to cases such as these and whether greater or less fair play is thereby brought about.

The standard illustration brought forward by its proponents is the requirement of jury trials in labor injunction cases.

DIFFERING CASES

But note the difference: In labor injunction cases the Government or a great corporation is the plaintiff; the defendant is frequently a solitary individual, economically weak and powerless. Jury trials in these cases tend to redress the balance, to protect the weak against the strong.

In our case, Government sues instead of an individual for the reason that the individual is frequently too intimidated to dare to sue for himself. And it sues, in almost every case, a government official, register of voters or the like, who in his governmental capacity has attempted to deprive that individual of his right to vote. Here the roles are reversed, the plaintiff represents the weak, the defendant the strong. To give the defendant, a government official, this added protection of trial by jury is to strengthen the strong against the weak, a precisely opposite result from that achieved in the labor cases.

No, this is no situation that calls for jury trials. On the contrary, they have become only too often a tragic mockery of justice for Negroes in the South. The whole purpose of this bill is to get away from just this type of failure of justice and to carve out a new and fair and effective remedy for this ancient right.

DOROTHY KENYON.

NEW YORK, July 24, 1957.

THE SOUTHERN REGIONAL COUNCIL

Mr. DOUGLAS. Mr. President, at various times in the past I have quoted the publications of the Southern Regional Council. The Southern Regional Council is composed entirely of southerners, men and women of good will of both races in the South. It is in no sense a lobbying organization. I have been able to obtain material it provides through the Library of Congress, at my request.

I think the statement which has been prepared on the origins and aims of the Southern Regional Council should be printed in the RECORD at this point so as to indicate the high qualifications of the council and its emotional attachment to the South. So I ask unanimous consent, Mr. President, that the statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE SOUTHERN REGIONAL COUNCIL: A BRIEF ACCOUNT OF ITS ORIGINS AND AIMS, APRIL 1956

"The South of the future toward which our efforts are directed, is a South freed of stultifying inheritances from the past. It is a South where the measure of a man will be his ability, not his race; where a common citizenship will work in democratic understanding for the common good; where all who labor will be rewarded in proportion to their skill and achievement; where all can feel confident of personal safety and equality before the law; where there will exist no double standard in housing, health, education, or other public services; where segregation will be recognized as a cruel and needless penalty on the human spirit, and will no longer be imposed; where, above all, every individual will enjoy a full share of dignity and self-respect, in recognition of his creation in the image of God." (From a statement of policy and aims of the Southern Regional Council (1951).)

SRC AND THE COMMISSION ON INTERRACIAL COOPERATION

The Southern Regional Council and its predecessor, the Commission on Interracial Cooperation, have a history of 35 years of constructive activity.

In the troubled days following World War I, race conflict and the lawlessness of terror organizations reached such proportions that the need for new techniques of restoring harmony could not be ignored. To meet this need, interracial committees were formed in cities and towns throughout the South. It was found that by bringing together influential members of both races grievances could be aired, mutual problems discussed, and a meeting of minds effected. This method had such beneficial results that interracial committees became an established part of the life of the South in the early twenties. Their influence became southwide through the formation of the Commission on Interracial Cooperation, a central organization with headquarters in Atlanta.

The commission was founded in 1919 by a group of the South's leading church men and women. Among them were Dr. M. Ashby Jones, prominent Baptist minister, Dr. John Hope, president of Atlanta University, Mr. John J. Eagan, businessman and philanthropist, Dr. Plato Durham, dean of the Emory University Theology School, Dr. Robert Moton, president of Tuskegee Institute, and Dr. Will W. Alexander, the commission's director. Its work in behalf of sound race relations was acclaimed by the South's leading newspapers, religious leaders, and by many public officials.

The commission helped organize, extend, and guide the work of State and local interracial committees. It assisted them in making their influence felt by newspapers, civil authorities, churches, school officials, police administrators, and health officers. It gave much attention to factual analysis of the problem of lynching and other forms of interracial violence. Its auxiliary, the Association of Southern Women for the Prevention of Lynching, under the direction of Mrs. Jessie Daniel Ames, did much to educate public opinion in the causes and possible remedies for such violence.

From these early activities, the commission built up a body of acquaintance and confidence that has been an increasing asset through the years. The traditional barrier between the races was broken down to allow an interchange of ideas and mutual trust. The notion of cooperative action by people of good will, both white and Negro, took root and has continued to grow. In its 25 years of operation, the commission made the meeting of white and Negro citizens for the discussion of common problems an accepted practice almost everywhere in the South. It marshalled thousands of southern church people in opposition to lynching and other injustices, brought new light to bear on race relations, issued 2 million copies of pamphlets and leaflets, and symbolized the faith of the southern white people and Negro people in the processes of mutual agreement and cooperation.

Transition to SRC

In 1939, the leaders of the commission began to explore the possibility of expanding the activities of the organization to permit a broader approach to the problems of the South. In October 1940, the commission instructed its executive committee to "take whatever steps are necessary to carry out the plans for the formation of a council on southern regional development," which would include in its program "the work of the commission and other activities connected with the economic, educational, and social development of the South."

Meanwhile the efforts of other progressive southerners were leading them to a similar purpose. The first movement in that direction took place when a group of southern Negro leaders met in Durham, N. C., on October 20, 1942, to set forth just what the Negro wants and is expecting of the postwar South and Nation, and to enlist the aid of interested white southerners. The result of this historic conference was a comprehensive statement covering the following areas: Political and civil rights, industry and labor, service occupations, education, agriculture, military service, and social welfare and health. Many social thinkers regarded the Durham statement as the most hopeful pronouncement on race relations that had come out of the South in the last 75 years.

In April 1943, a group of southern white leaders met in Atlanta to consider the statement of the Durham conference. These white leaders found the statement so frank and courageous, so free from any suggestion of threat and ultimatum, and so demonstrative of good will, that they gladly pledged their cooperation. "The need," they concluded, "is for a positive program arrived at in an atmosphere of understanding, cooperation, and mutual respect."

SRC organized

Representatives of both the Durham and Atlanta conferences met in Richmond in June 1943, to work out further details. The Durham statement was adopted as a general guide to action, and a continuing committee was appointed to devise practical means of approach. The organizing meeting of the council was held in response to a call issued by some of the South's finest leadership, including C. H. Gillman, Georgia director, CIO; George L. Googe, southern director, AFL; M. Ashby Jones, Baptist minister; Ryland Knight, Baptist minister; Rabbi David Marx, the Temple, Atlanta; Bishop Arthur J. Moore, the Methodist Church; Ralph McGill, editor, the Atlanta Constitution; Stuart R. Oglesby, Presbyterian minister; Most Rev. Gerald P. O'Hara, bishop of Savannah-Atlanta; Dean S. Paden, president, King Hardware Co.; J. McDowell Richards, president, Columbia Theological Seminary; Bishop John Moore Walker, the Protestant Episcopal Church; Goodrich C. White, president, Emory University.

Following the deliberations of this group and a subsequent conference with southern Negro leaders, the SRC was chartered early in 1944. The incorporators were Bishop Arthur J. Moore; Ralph McGill; Dr. Rufus E. Clement, president of Atlanta University; Dr. Charles S. Johnson, president of Fisk University; and Dr. Howard W. Odum, professor of sociology at the University of North Carolina. At the charter meeting, the Commission on Interracial Cooperation met and formally merged its program and assets with those of the council. A strong and democratic council had been established to attain through research and action the ideals and practices of equal opportunity for all peoples in the region.

Since this auspicious beginning, the council's membership has included distinguished southerners, white and Negro, in all walks of life. Dr. Odum was the first president of the organization. He was succeeded by Paul D. Williams, of Richmond, Va., a prominent Catholic layman and cofounder of the Catholic Committee of the South. Mr. Williams served as president for 6 years—from 1945 until 1951. He was succeeded by Mr. Marion A. Wright, widely known as a South Carolina attorney active in civic and educational affairs, now living in Linville Falls, N. C.

How SRC works

The Southern Regional Council consists of a board of some 80 southerners representing the major religious faiths, both races, and the 13 States of the region. These people are the Southern Regional Council. They make the policies and review all activities at an annual meeting. They elect an executive committee which meets at least every 3 months to give closer direction to the organization. And full reports of all activities are sent to the members quarterly. The council is nonprofit, nonpolitical, and nondenominational.

Financial support for the council has come from many different individuals and organizations. Some of the organizations are: the Julius Rosenwald Fund, General Education Board, the Fund for the Republic, Division of Home Missions and Church Extension of the Methodist Church, Woman's Division of Christian Service of the Methodist Church, Phelps-Stokes Fund, Catholic Committee of the South, Board of Education of the Methodist Church, Ashby Jones Memorial Fund, Committee on Woman's Work of the Presbyterian Church of the United States, the National Council of the Protestant Episcopal Church, the Marshall Field Foundation, the Doris Duke Foundation, various trade unions, and some business firms. Individuals support the council through contributions, legacies, and payment of membership dues.

What SRC does

The council's present functions may be summarized as follows: (1) Clearinghouse and coordinating work with numerous agencies working on southern problems; (2) research and survey to determine the facts and the state of public opinion as a basis for sound social action; (3) educational activities through a monthly bulletin, the New South, and through pamphlets, press, radio, television, conferences, and personal contacts; (4) consultative services to private and official agencies; (5) promotion of specific programs of action through the council staff and affiliated State organizations.

Following are some of the areas with which the SRC's educational program has been concerned:

Employment of Negro policemen in southern communities.

Newspaper handling of racial news.

Community self-surveys, in which local people of both races study their problems as a basis for achieving local solutions.

Conferences of leading white and Negro southerners with common concerns and a common desire to further democratic practices in their areas of interest—religion, health, housing, education, etc.

Voluntary decisions to open professional associations, private colleges, public libraries, and the like to all qualified persons without respect to race.

The right to vote without racial discrimination or intimidation.

Impartial enforcement of the law and administration of justice in the South.

Orderly compliance at the community level with the recent decisions of the Supreme Court holding public school segregation unconstitutional.

Church support

Church people have always been the moving force in the southern interracial movement. This is as true today as it was 35 years ago. All of the major religious groups represented in the South have taken their stand in favor of the principle embodied in the Supreme Court's segregation ruling. The Court ruling was endorsed by the Southern Baptist Convention, many of the southern conferences of the Methodist Church, the General Assembly of the Presbyterian Church (southern), the Province of Sewanee (southeastern) of the Protestant Episcopal Church, the Catholic Bishops of the South, the various Jewish religious and fraternal groups, and virtually all of the other denominations found in the South. It is only natural that many religious southerners should seek to put the principles of their faith into everyday practice.

The Southern Regional Council and the affiliated State groups have enjoyed both financial and moral support from religious bodies representing the three major faiths.

Dr. George S. Mitchell, executive director of the council, received the 1953 annual award of the Catholic committee of the South "for his significant contribution to the welfare of the South."

Affiliated State organizations

With the aid of a grant from the Fund for the Republic, the Southern Regional Council is assisting interracial organizations in 12 Southern States—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Each of these organizations has its own membership, officers, and staff. In each case, people of the State involved make their own decisions as to policy and program. Affiliation with the Southern Regional Council is voluntary, and the purpose of the short-term financial aid from SRC is to help the State groups become strong, self-sustaining human relations agencies.

Toward the South of the future

The Southern Regional Council's main asset is and has always been those southerners who believe deeply in democratic practices, and who know firsthand the problems of the region. On such people rest the hopes of the South. They have wanted a regional organization, not out of any provincial desire to separate the South's problems from the Nation's, but out of the conviction that such an organization has unique advantages. It can express the best and often neglected elements of Southern thought and conscience; it can serve as a convincing demonstration of southerners working together as fellow citizens without regard to race; and it can tap local resources and initiative often inaccessible to national groups.

The Southern Regional Council and its affiliates seek to be practical organizations, aiming at working solutions rather than spectacular pronouncements. They hold the belief that every community must ultimately find its own answers within the framework of law and conscience. They offer no master blueprint, no sovereign remedy for the South's human problems. But they do offer a method—that of representative citizens, white and Negro, coming together in equal dignity to find the best ways to move ahead.

Mr. DOUGLAS. Mr. President, following the statement with respect to the Southern Regional Council, I ask unanimous consent to have printed in the body of the RECORD a most extraordinarily able survey the Southern Regional Council has made, which is just off the press, under date of July 18, 1957. Again I wish to emphasize I have obtained the material at my request from the Library of Congress to show that it was in no sense forced upon me, so to speak.

The survey deals State by State with the various ways in which Negroes are prevented from voting in the South. I highly commend this factual account to the Members of the Senate, as we debate part IV of the bill.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

THE NEGRO VOTER IN THE SOUTH—PART OF A REPORT OF A SURVEY BY THE SOUTHERN REGIONAL COUNCIL

(Furnished on his request to Senator DOUGLAS by the Library of Congress, Legislative Reference Service)

DISCRIMINATION AND INTIMIDATION

Just as the main segregationist movement has switched from the white sheet of the Ku Klux Klan to the white collar of the citizens council, so has the pattern of discrimination against the Negro southerner changed in recent years.

In no field is this gradual shift to subtler methods seen more clearly than in a study of Negro registration and voting. Killings, beatings, the dragging of Negroes from their homes in the middle of the night—these are now rare occurrences, compared to previous decades.

Overt violence is, in brief, the exception rather than the rule for racist dealing with assertive Negro citizens. The threat of violent tactics, however, is kept alive in some areas by anonymous telephone calls to Negro leaders. Crosses still are burned, jobs threatened. Occasionally, homes are shot into or bombed.

But, today, with less obvious means employed generally, Negroes interested in voting are far more likely to be barred by a question on the Constitution than by a rope or whip.

Alabama

The Alabama consultant directed a field survey in each of the counties in his State. According to these reports:

Negroes might be treated courteously, as in Bullock County, Ala., where the board of registrars has received Negro applicants pleasantly, let them fill out forms, then told them they didn't pass—with no reasons given. In this county, with 5,423 Negroes of voting age, only 6 were registered in the summer of 1956. In 1953, more than 100 attempted to register; in 1955, only 20 even tried, and of these 19 were refused. One of the six registered succeeded only on his seventh trip to the board.

In other counties of central Alabama, like Bullock, Negroes encounter greater difficulty. This is the black-belt section of the State, so-called because of the dark rich soil, an area where 15 counties have populations over 50 percent Negro.

Among these is Dallas, where only 275 of the 18,132 Negroes of voting age are registered.[1] In 1956 alone, at least 350 were turned down. Some reported that they filled out questionnaires three or four times but still were not sent registration certificates. Many reported they were given no help in filling out forms although white applicants were. One Negro teacher who registered was fired allegedly for being "too smart;" this frightened many other teachers.

Marengo, another county in the Alabama black belt, simply seems to have stopped registering Negroes. Of 10,223 eligible, 170 were registered before the Supreme Court decision calling for an end to segregated schools. This, plus formation of a local citizens council, is reported to have hardened the lines of white resistance to Negro equality and to have put the brakes on Negro registration.

In Monroe County, Ala., where 140 of the 5,914 Negroes of voting age are registered, other hopeful applicants said more often than not they found the board of registrars had "misplaced the application forms" or told them to return later. Registrars in Hale County, where 130 of 7,036 eligible Negroes are on the voting roll, have turned down 300 in the past 2 years for "failure to fill out forms correctly."

One Negro teacher in Alabama said she was refused because she didn't know the address of her estranged husband. Many Alabama boards require two voters to vouch for all Negro applicants and some require Negroes to produce white character witnesses. Registrars in one county where about 2 percent of nearly 7,000 Negroes over 21 have registered announced that a "good white man" must accompany Negro applicants.

In a black-belt county which is somewhat less than 50 percent Negro, registrars closed their office when a group of Negroes appeared. Other Negro applicants said they were told when the board would meet but then found no one present on arrival. A Negro leader who encouraged other Negroes to vote reported he was threatened anonymously by telephone and told to stop his activities or he would be run out of town. Only about 200 of over 5,000 Negroes have registered.

A Negro leader in Coosa County, Ala., also said he was threatened. Crosses were burned in front of the homes of two leaders of a Negro voters' drive in Choctow County. In the latter, 112 of 4,819 Negroes of voting age are registered; 28 said they were turned down on their first try, but accepted the second time. Most of those initially refused are teachers; maids and yardmen have found it somewhat easier to enroll.

Birmingham and surrounding Jefferson County present one of the gloomiest pictures for Negroes in the South. In no other major city of the region has it been so difficult for them to vote. Only about 7,000 of 121,510 Negroes over 21 are registered; at least that many more have been turned down. Instead of the standard form and the character witnesses, Jefferson County registrars have employed another method unique in the State: Added questions about government. They might ask on what date the 10th amendment to the Constitution became effective, what was the 14th State to be admitted to the Union, on what date did Oklahoma change from a territory to a State? They have recognized no limits to their power to interrogate. While Negroes have been the board's main target, white union members, particularly if they wear overalls or work clothes, have reported that they sometimes find registration difficult or impossible. Negroes appearing before the board often have been questioned for from 35 to 40 minutes; they have had to line up separately, and the longer the line the longer the questioning.

Strong, in his study of Jefferson County, described the method used by registrars to avoid suits with the following hypothetical case: a person who failed to satisfy the board was told orally he did not qualify; the applicant then secured an attorney and filed a suit, which was a signal for the board to register the plaintiff. His suit collapsed and no court has an opportunity to pass on section 33 of the Alabama Code and the "qualified to register" phrase.[2]

[1] Registration figures used are those of 1956.

[2] Donald S. Strong, Registration of Voters in Alabama (Bureau of Public Administration, University of Alabama).

In Macon County, Ala., home of famed Tuskegee Institute, many college trained Negroes have found the barriers impregnable. Negroes outnumber white persons about 5 to 1; of the 14,526 of voting age, 1,100 have registered. By contrast, the Associated Press reported in April 1956, that 2,700 out of a total Macon County white population of 5,000 had registered, or that fewer than 100 white persons over 21 had failed to do so. An Alabama observer said that the board of registrars would sit until all white citizens interested had registered and then resign. In any event, for the major part of 1956, there was no board in the county, for two of the three members resigned and it takes at least two to transact business. This was at least the third time in a decade this had happened.

North Carolina

In North Carolina, as in other States with literacy laws, the registrar has considerable latitude. He can have the applicant copy indicated sections of the State constitution or he can dictate. Some Negroes have protested the use of dictation, since a registrar often reads too fast or uses a particularly difficult section. However, the State board of elections has upheld a registrar's right to use this means of testing.

A Negro attorney in a rural eastern county of North Carolina said that in certain precincts of this and adjoining counties, "It takes a white man only a few minutes to get registered, but it may take an hour for a Negro. Actually, the latter is given an academic rather than a literacy test. In this county, the tests are tough and the literacy rate low, which doubly handicaps the Negro. The tests given here actually require an interpretation of law."

A Negro college graduate in North Carolina who attempted to register for the May 1956, primary said he was turned down because he could not write a section of the State constitution from memory. Some registrars who want to disqualify Negroes have asked for a definition of such words as "ordained," "sovereignty," "posterity," etc. The replies often do not satisfy the registrar.

But there are counties throughout the State, including the rural piedmont and eastern sections, where literacy requirements are ignored for anyone, white or Negro, who wants to register. In others, only Negroes are required to do some reading. In some rural North Carolina counties, Negroes can register with a minimum of trouble only if sponsored by white persons.

Louisiana

Louisiana applicants for registration have been given a rather complicated form and the law has barred any help in filling it out. In most instances, completion is regarded as evidence of literacy although the registrar may, if he wishes, examine an applicant. There has been wide variation in the practice of helping applicants and in the strictness with which forms are scrutinized for mistakes. In some parishes, Negroes have found it almost impossible to satisfy the high standards demanded of them. In others, both Negroes and whites have been permitted to copy from previously completed forms and mistakes have been overlooked.

If a person is unable to complete the form satisfactorily, he still may qualify in some parts of Louisiana. In a number of parishes many white and Negro illiterates have registered under the physical disability provision of the State constitution. This makes it possible in some instances to control their ballot, because such registrants are entitled to ask for assistance in voting. Practice varies widely with respect to registration of illiterates but, as a rule, where literate Negroes have found it easy to qualify, illiterate Negroes also have met few obstacles.

Under one Louisiana statute which adds to the difficulties of Negro voting, two bona fide registered voters can challenge by affidavit the right of a person to be registered. The person challenged has to respond within 10 days by appearing before the registrar to prove his right to remain on the voting list. If a person fails to appear, his name is removed automatically. Citizens council groups have purged several hundred Negroes from voting lists through this device in more than a dozen parishes, including Natchitoches, Webster, and La Salle. They are able to learn which Negroes have registered under another Louisiana law which permits any 25 registered voters, by application, to copy or photostat registration records.

The Colfax Chronicle, county weekly of Grant Parish, reported (October 12, 1956) that members of the citizens council worked in the registrar's office that week in a frank effort to disfranchise the county's 864 Negro voters. The Chronicle also reported:

Their action followed a White Citizens Council meeting in Dry Prong attended by State Senator William Rainach and other Louisiana segregation advocates. W. J. B. Jones of Colfax County, WCC president, said the group voted unanimously to try to purge Negro voters. Louis Earl Stevens, council secretary, subsequently estimated that at least 90 percent of the Negro registrants were challenged in Grant Parish.

Where, instead of writing out colored on registration blanks the applicant simply put "C," the applications were challenged as being incorrect. Each Negro's age in years, days, and months was refigured and often found off by a day or so. The Chronicle checked the first 100 white registrations in one ward and found only one card which would meet the standards set by the WCC for Negroes. Four, including the superintendent of schools, figured their ages incorrectly. In a further check, the Chronicle discovered that not a single member of a citizens council committee had filled in correctly all the blanks. Needless to say, only the Negroes were challenged. Of the more than 700 Negroes purged 2 weeks before the November general election, 399 had cleared the challenges a week before the deadline.

The Chronicle commended Registrar Maxine Mosley for her fairness in dealing with the Negroes challenged.

Not all members of the white community supported the purge effort. District Attorney Sam L. Wells said he would be a witness and sign affidavits for those challenged registrants whose place of residence he knew of his own personal knowledge. J. M. Straughan of route 8, Colfax, wrote the Chronicle:

"I'm a southerner born and raised right here in central Louisiana and I am opposed to integration as strongly as any southerner could be. But what has integration got to do with the removal of Negroes from the registration rolls. I for one, will be glad to sign an affidavit for those colored voters I know to help keep them from being imposed on."

On February 25, 1957, the Justice Department made public some FBI findings on registration of Negroes in Louisiana. Assistant Attorney General Warren Olney III, said the FBI material indicated that testimony by Louisiana Attorney General Jack P. Gremillion to a House Judiciary Subcommittee might have left a misleading impression in a number of respects. Olney's statement was in a letter to Chairman EMANUEL CELLER, Democrat, of New York, who presided at hearings in which Gremillion testified against the Eisenhower administration's civil-rights proposals.[3]

Olney said that Gremillion had mentioned some difficulty with respect to voting in Ouachita Parish, but contended this was more or less an exception.

In fact, Olney asserted, the FBI investigated the handling of registrations in 10 Louisiana parishes and found that 8,552 Negroes were challenged when they tried to register in 1956.

Olney said that in Ouachita Parish there were some 4,000 registered Negro voters in the early fall of 1956 but that after a purge in October there were in excess of 3,000 Negro voters deprived of the right to vote in the general election of November 6.

The Justice Department official challenged a number of Gremillion's statements, including his claim that registrants had a free choice in selecting the section of the United States Constitution they wished to interpret as part of their test.

"In none of the 10 parishes is there any evidence that the registrar permitted the applicant to choose which clause of the Constitution he wished to interpret," Olney said.

"Specifically, in the case arising from Ouachita Parish, the investigation by the FBI disclosed that the registrar of voters in examining applicants used a card on which was written an excerpt from the Constitution, which card was given to the registrar by the Citizens Council of Ouachita Parish."

Gremillion had told the committee that when a registered voter was challenged, the registrar sent a record of the challenge to the registrant, including a reply form, giving him 10 days to appear and establish his right to remain on the rolls by presenting statements from three voters registered in the same parish.

Olney said this did not appear to be the general practice in the parishes investigated. "In six," he added, "registrars did everything to discourage the filing of reply affidavits in the statutory form and generally refused them when offered." He told Chairman CELLER that the FBI found instances of registrars refusing to accept white persons as supporting witnesses for Negroes on grounds they were of a different race.

"There appeared to be a concerted effort in October 1956 by white citizens' councils in Louisiana and other Southern States to get Negro registrants off the rolls or to prevent their registration," Olney added.

"With respect only to cases which have been investigated by the FBI," he continued, "the following numbers of Negro voters were challenged in each of the following parishes:

"Bienville, 560; Caldwell, 330; De Soto, 383; Grant, 758; Jackson, 953; La Salle, 345; Lincoln, 326; Ouachita, 3,240; Rapides, 1,058; and Union, 600."

However, there still are areas in Louisiana where there are no Negro registrants to challenge. For example, in one parish, which is over 50 percent Negro, none of the 4,500 Negroes of voting age had registered at the time of the 1956 general election. Only one had tried in recent years. A local priest recounted the Negro's experience: when he appeared, the registrar immediately took him to the sheriff, who asked, "Aren't you happy here? Is something wrong with the way things operate around here? If you aren't happy perhaps we could arrange for you to leave." The hapless Negro promptly assured the sheriff of his happiness and allowed that his attempt to register had been a tragic mistake. He remained in the community but his wife lost her job.

There are no Negroes registered in Tensas, East Carroll, Madison, and West Feliciana Parishes, all counties with populations over 50 percent Negro. "In these parishes," the Louisiana consultant said, "subterfuge is unnecessary to discourage Negro registration. Negroes know they should not and cannot register and therefore rarely attempt to do so."

In the general election in November 1956 Louisiana voters defeated a proposed constitutional amendment designed to help the citizens' council cut Negro voting even more. The measure was drafted by the legislative

[3] Associated Press, Washington, D. C., February 27, 1957.

watchdog committee on segregation which previously had won approval easily for its proposals. The amendment, which was turned down by an unofficial total of 190,410 to 178,833, required certain administrative steps before a voter losing his registration could take the matter into court. "Thus," said the Associated Press in a dispatch from Baton Rouge, "it would have set up administrative barriers to a Federal court action."

South Carolina

In South Carolina the prevalence of discriminatory tactics in some counties where Negroes are in the majority is quite evident. Registration books are moved from place to place to keep Negroes from getting a certificate; they are given literacy tests that have little to do with reading and writing the State constitution, as required by South Carolina law; Negroes complain that if a number go together to register in some counties, clerks will pass only one or two and tell the rest the books are closed for the day. In a few counties, Negroes who had been certified have complied with demands of employers and other white persons that they remove their names from registration books. Some have said they were threatened with harm for attempting to vote, and many landlords reportedly have warned their Negro tenants that if they registered they would be fired.

Calhoun County, S. C., with more than twice as many Negroes as whites—10,449 to 4,304—has no Negroes registered, although 4,437 of them are of voting age. "Any Negro who tries to get a registration certificate is called a smart Negro and sooner or later leaves the community," a field consultant said.

McCormick County, S. C., where the population split is 5,998 Negroes, 3,589 whites, also has no Negroes registered out of the 2,625 over 21. All Negroes who had registration certificates in 1948 had their names purged from the voting list. The majority of Negroes in the county are sharecroppers; reportedly, they could not sell their produce until their names were removed.

In another South Carolina county, Abbeville, where only 15 of the 3,687 Negroes of voting age are registered (as compared to 6,000 of the 8,951 whites), an atmosphere of fear was found. Three years ago a Negro cottonwood worker was said to have been beaten at night for voting. Since then, Negroes have not taken part in elections and almost all of those who had registration certificates have lost them.

Texas

Intimidation as a means of limiting Negro voting in Texas was found to be relatively rare. Recent violence in the State usually has been aimed at school integration, notably in Mansfield. There have been occasional reports of local discrimination against potential Negro voters, generally in the form of a segment of the white population playing on the ignorance of the poorly educated among the Negroes—to imply, for example, that property taxes must have been paid to vote. But, by and large, the poll tax remains the only obvious deterrent.

Virginia

While discrimination in applying provisions of the Virginia poll tax and registration law is not found generally in that State, nevertheless it has been reported in certain counties and a few cities. Some Negro leaders feel that poorer white citizens often experience the same difficulties as do Negroes.

The poll tax can be an effective barrier for the politically uninformed, the educationally handicapped, and the socially disadvantaged. Just the use of words confuses many of the poorly educated who often do not know that in paying their Virginia capitation tax they have paid their poll taxes. Some tax collectors reportedly have discouraged voting by telling Negroes they do not have to pay poll taxes. Many Negroes have reported they did not receive poll-tax bills along with their property-tax notices, as did their fellow white citizens. These and similar methods have been employed to discourage Negroes from paying their poll taxes in some counties and it often seems that only those who know the legal requirements and insist on paying can win their right to register.

As for registration itself, Negroes sometimes encounter further barriers in Virginia. The same discriminatory methods of administering literacy tests found in other States turn up here and there in the State, where in some counties Negroes have to meet all the technical requirements of grammar, punctuation, and handwriting in filling out their application forms; they alone are given reading or education tests, or have to complete printed forms containing legal phraseology. Some white registrars will see white applicants at any time but are busy or ill or do not have their books when Negroes appear. When registrars operate in their homes, this presents a particular problem because of the long-standing southern custom of Negroes appearing in white homes only in a servant capacity.

Florida

In 1940, Florida had 51 counties with no Negroes registered, by 1946, only 4, and 10 years later only 2. However, the number of counties in which Negroes are registered gives an exaggerated picture of the extent of Negro registration. In some counties Negro electors constitute a small proportion of those on the voting lists. This is seen, for example, in the following counties:

County	Negro population over 21	Negro percentage of total population	Number of Negroes registered, 1956
Flagler	872	45.6	13
Gadsden	10,930	56.1	3
Liberty	333	18.1	1
Taylor	1,945	30.5	77

In the counties where Negro suffrage is limited most sharply, fear is a major deterring factor. In parts of the State, indirect methods are used to discourage Negro voters and the open threat has been reported, too. In one county, the first Negro registrants in history were subjected to several forms of intimidation—cross burnings, bomb-throwings and shots fired into their homes. All but one of the registrants in this county withdrew their names from the rolls.

In another Florida county, in the plantation section, it was reported that Negroes, most of whom live in rural areas, are not permitted in the business district on election day. In still another county, one supervisor of registration has told Negro applicants, "Come on in and register," while sitting with his legs stretched across the door. Other Negroes complained that loungers around a courthouse told them, "Go ahead and register if you can take what comes afterward."

Georgia

Field studies were made in a number of Georgia counties representative of the various subregional areas of the State. One of these is Early, located in the extreme southwest portion of Georgia on the Alabama line. It is in a cluster of counties considered the hard core of the State in terms of resistance to integration. In such counties as Early, Miller, Seminole, and Decatur, the Negro population is from 30 to 50 percent of the total. In other southwest counties such as Clay, Calhoun, Baker, Dougherty, Quitman, Randolph, Terrell, Lee, Sumter, Webster, and Stewart, the Negro percentage of the total population is over 50 percent. The means of excluding Negroes as registrants in these counties is similar to that reported in other areas of the South. In some, there is the ever-present threat of racial violence, which erupts on occasions. Often, police brutality against Negroes indicates to them they cannot depend upon law enforcement authorities to offer them protection if they try to vote. In recent years, economic pressures have been directed against Negroes militant enough to demand educational and political equality.

In some instances, Georgia sheriffs, instead of the boards of registrars, question prospective Negro registrants about the Constitution. Sheriffs, being white and also the "law," Negro applicants thus receive two warnings at one time.

In Early County, only 226 Negroes of the 4,790 over 18 (the legal voting age in Georgia) are registered. Many others who went to the courthouse to register said they later were summoned to appear there before the board of registrars to answer questions. The majority of those who showed up were disqualified and those who did not were removed from the list automatically. This is an effective method of disqualifying Negroes there who often think of going to the courthouse for any reason with misgiving. They know they are not expected to drive their cars up to the courthouse square to park.

Separate ballot boxes for white and Negro votes continue in use in many Georgia counties. This practice of separating ballots on a racial basis is an indirect technique of disfranchising some of the Negro voters who are unwilling to take a chance on having white persons discover how they voted.

Often, racial incidents have an effect both in the community involved and in adjacent counties. There is disagreement on the extent to which they deter registration, but fear of violence is bound to condition the thoughts and actions of some. In Walton County, Ga., many Negroes interviewed said there is more fear of lynching outside the county than inside. This county was the scene of an unsolved daylight lynching in 1946 of 4 Negroes—2 men and 2 women, 1 of whom was pregnant. One Negro in Walton said he did not think that Negroes generally are afraid to register there. He added that the so-called leading Negroes are afraid but the Negro working by the day isn't. Negro teachers and ministers seem to be afraid because of what they may lose; but what it is, I don't know."

Arkansas

In Arkansas, on rare occasions, clerks in the sheriff's office may tend to discourage poll-tax payments through various means of discourtesy. For the most part, however, the poll tax is more important in Arkansas as a source of revenue than as a device for the disfranchisement of the Negro. In 1956, voters rejected an amendment to repeal it. Some important Negro leaders opposed its abolition. They believed that if the State dropped the poll tax it might adopt registration procedures requiring the filling out of forms or answering of questions and that Negroes then would experience far more difficulty than at present.

Mississippi

Finally, Mississippi. All forms of violence, intimidation and discrimination reported from other States were found here. Where other sections usually rely on 1 or 2 means of limiting Negro registration, Mississippi, home of the White Citizens' Council, apparently uses them all. As a result, the State which has the highest percentage of Negroes in the country has the lowest percentage registered. Only 4 percent were on the list of qualified voters in 1955, although Negroes make up 41 percent of the total population of voting age.

In the 13 Mississippi counties listed as having a population of more than 50-percent Negro, a total of 14 votes was cast in the 3 elections on which information was available for 1954. Five of the counties had no Negroes qualified and 3 had 1 registered who never voted. In the 7 counties having more than 60-percent Negro population, 2 votes were cast by Negroes in 1954.

Violence, threats, and economic reprisals discouraged Negroes interested in voting in Mississippi. Some instances were publicized but it may reasonably be supposed that others went unreported. In 1955 alone, a string of reports of brutality and illegal tactics came out of the State.

In the early spring of that year, Gus Courts, a Negro grocer at Belzoni, Miss., was told to move from his home and withdraw his name as president of the local NAACP chapter. He was forced to move his grocery store and advised to remove his name from the voting rolls. He refused; and, in November 1955, he was shot and seriously wounded by a group of men in a car who fired into his store.

Recovering from his wounds, Courts told a reporter: "I've known for a long time it was coming, and I'd tried to get prepared in my mind for it. But that's a hard thing to do when you know they're going to try to slip up and steal your life in the night and not in the bright. It's bad when you know you might get shot just walking around in your store. That's a hard kind of life to lead."

Courts was puzzled as to why anyone would want to shoot him for, "I've never been a troublemaker and I've never had on handcuffs. I'm 65 years old and I've never had the vote. That's all I wanted."

Courts' predecessor as NAACP president in Belzoni, the Rev. George Washington Lee, was killed May 7, 1954. The United Press, in a story from Belzoni on the Courts shooting, gave this background on the Lee death:

"The Reverend Lee was shot, allegedly on the day he refused a request from a white citizen that he remove his name from the voters' registration list. In that death, first of three race killings in Mississippi this year, Lee reportedly was driving down a Belzoni street when a car in which two white men and a Negro were riding suddenly came from behind and a shotgun blast shattered the Negro's car."

A coroner's inquest returned a verdict of accidental death and made no reference to the wounds in the dead man's face.

Other incidents in Mississippi in 1955, as reported by wire services and newspapers: T. V. Johnson, Belzoni Negro undertaker, was told to remove his name from the voting rolls if he desired continued credit; the Rev. James Hargroves fled the State after he was threatened with the fate of the Reverend Lee if he continued to work for the NAACP. In August, Lamar Smith, a Lincoln County Negro, was shot fatally; no indictment was returned, although reports indicated there were several witnesses to the shooting. Elsewhere, the home of a Negro leader was fired upon, and crosses were burned in front of the homes of two others. There were additional instances of violence against Negroes for activities other than voting.

If, despite the harassment and brutality, Negroes still try to vote in Mississippi, there is the State's registration law to act as a deterrent. The rigid education test, the essay on citizenship, all the requirements of the tighter registration law passed in 1954, present innumerable opportunities for the white registrar opposed to Negro registration.

LEGAL, SOCIAL, AND ECONOMIC FACTORS

The legal weapon most widely used in the South to discourage Negro registration is some form of literacy or constitutional interpretation test.

This weapon is the successor to the white primary—long the most effective method of restricting voting. Another weapon effective in the past, the poll tax, also has lost much of its sting with increased economic opportunity. Today only five States retain the poll tax—Alabama, Arkansas, Mississippi, Texas, and Virginia.

Some of the requirements in Southern States based on literacy or constitutional interpretation tests include:

Alabama

In addition to the usual basic qualification, the Voters Qualification Amendment of 1951 provides: "The following persons * * * shall be qualified to register * * * those who can read and write any article of the Constitution of the United States in the English language which may be submitted to them by the board of registrars, provided, however, that no person shall be entitled to register as electors except those who are of good character and who embrace the duties and obligations of citizenship under the Constitution of the United States and under the constitution of the State of Alabama, and provided, further that * * * each applicant shall be furnished * * * a written questionnaire * * *. Such questionnaire shall be answered in writing by the applicant, in the presence of the board without assistance."

Georgia

A registrant must be able to read correctly in English any paragraph of the State or United States Constitution and correctly write the same when read to him. Only those unable to read or write because of physical inability may qualify if they can understand and give a reasonable interpretation of constitutional sections read to them. There is a property alternative: 40 acres of land in the State on which an elector resides or property in the State assessed for taxation at $500 or more.

Mississippi

In 1954, Mississippi voters approved a constitutional amendment tightening the State's registration law. It makes ability to read and write a prerequisite; before that, an applicant could register if able to read or understand the Constitution when read to him. In addition to literacy, the amendment requires a new applicant to satisfy the county registrar as to his knowledge of citizenship under a constitutional form of government and to state why he feels he should be given the right to vote and what it means to him. Applicants are to write their own statements without aid.

Virginia

Unless physically unable, the prospective voter must apply to the registrar in his own handwriting, without aid, in the presence of the registrar, stating therein his name, age, date and place of birth, residence and occupation at the time and for the 1 year next preceding and whether he has voted previously and, if so, the State, county, and precinct in which he voted last. Also, he must answer on oath any questions affecting his qualifications as an elector, submitted to him by the registrar; questions and his answers must be reduced to writing, certified by the said officer and preserved as part of his official records.

South Carolina

A registrant must be able to read and write any section of the State constitution. An alternative is ownership and payment of taxes for the previous year on property in the State assessed at $300 or more.

Arkansas

Except for the usual requirements of age and residence, the one dollar, noncumulative poll tax is the only requirement for voting. Members of the Armed Forces are exempt. Certain adults are required by law to possess a poll tax receipt: those receiving wages, salaries, or other compensation paid from public funds (this includes white and Negro teachers) and those who apply for a license or permit from the State.

Louisiana

A prospective voter must be able to read and write and understand the duties and obligations of citizenship under a republican form of government. Also, he must be able to read any clause in the State or United States Constitutions and give interpretation satisfactory to the registrar. If he is unable to read or write, the applicant is entitled to register if he is a person of good character and reputation, attached to the principles of the Louisiana and United States Constitutions and if he is able to interpret any section of either. If an applicant is unable to read or write due to a physical disability, then the foregoing requirements may be waived. However, such an applicant must be accompanied by two witnesses who are registered voters from the applicant's precinct. No person may be a witness for more than two applicants.

North Carolina

Prospective voters must be able to read and write any section of the Constitution to the satisfaction of the registrar, who may have the applicant copy indicated sections of the State constitution or may dictate any section he chooses.

With such broad discretion left to registrars it is easy to see why Negroes may find it almost impossible to qualify in one county and comparatively easy in the next. In the last analysis, a Negro's ability to vote in a State with a literacy law still often depends on an individual registrar's sense of justice—or prejudice.

Socioeconomic factors also operate in determining the number of Negroes who vote. Racial, economic, and social patterns of any southern community exert a powerful influence on Negro registration.

Statistics on education, urbanization, farm tenancy, income, and racial composition help paint a fairly accurate picture of why Negro registration is above or below average.

Relatively few Negroes are likely to be registered in counties where they make up a large proportion of the population, in counties where education and income medians are low, and in counties that are predominantly agricultural and have a high rate of farm tenancy.

At the same time, in counties where Negroes comprise a large part of the population, white registration tends to be above normal.

Negroes are more likely to be registered in counties where they represent a small percentage of the total population, where they are better educated, are less dependent on the whims of white landlords and employers and are in a sounder economic position generally.

There are exceptions to these generalizations, of course; but Georgia presents a fairly typical picture.

In Georgia's 157 counties with Negro population of voting age, the median percentage of eligible Negroes registered is 25. However, the range of the registration figures is wide.

In only five Georgia counties does the number of Negro registrants exceed the number of white registrants, although there are more Negroes than whites of voting age in 27 counties.

The population ratio and its effect on voting is strikingly shown in Georgia figures. In counties where the percentage of Negroes in the population is below the State average, 69 percent show Negro registration above the State median; 68 percent of the counties above the State average in Negro population are below the median in Negro registration. The association is even more marked in

counties with a population over half Negro—80 percent of these fall below the median in Negro registration.

The relationship between education and political participation also turned up in the Georgia survey. In counties where Negroes rank above the State median in the number of school years completed, 89 percent also are high in Negro registration. By contrast, only 37 percent of the counties below the median in Negro educational attainment have high registration figures.

As to the significance of economic factors, it is found that of the Georgia counties having median family income above the State figure of $1,130, 61 percent have high Negro registration. In counties below the median income level, only 35 percent are high in the number of Negroes qualified to vote. In short, Negro registration tends to increase along with overall income.

Also, there is a tendency in Georgia for predominantly industrial counties to rank higher in Negro registration than those primarily agricultural. Among counties in which farm income exceeds manufacturing income, 37 percent are high in Negro registration, as contrasted with 58 percent in counties where manufacturing exceeds agricultural income.

The agricultural counties in Georgia deriving more farm income from livestock, dairying, and poultry are somewhat higher in the percentage of Negroes registered than those in which the income stems largely from row crops. Also, there is a definite relationship between tenancy and registration. Among the Georgia agricultural counties which exceed the State average in the number of farms operated by tenants, only 34 percent have high registration figures, but among the counties below the State average in tenancy, 63 percent rank high in Negro registration.

Social and economic factors which influence Negro registration in Georgia apply in large measure over much of the South.

EXCESSIVE OIL IMPORTS

Mr. YARBOROUGH. Mr. President, I have spoken previously in the Senate about the dangers to the economy of many of the Western, Southwestern and Rocky Mountain States caused by excessive oil imports. I have reliable information that the President's Cabinet Committee conferred this week about the oil import situation, but as usual, so far as oil imports are concerned, they merely conferred. No action was taken.

Mr. President, our economy in the Southwest has steadily worsened. Seven years of drought, followed by floods without precedent this spring, combined with the wrecking of the farm support parity program, have brought the farm economy to the verge of collapse. The other strong prop to our economy, the oil industry, has suffered successive staggering blows by continued increases in oil imports.

Mr. President, the economy of the Southwest and the security of the Nation are being undermined by the dangerously high level of foreign oil imports. When I talk about the economy of the Southwest and the security of our Nation, I am talking about people—their safety, their means of putting bread on the table, their means of supporting the schools. I am talking about the men who drive the trucks, the men who work on the drilling rigs, the men who run the well logs, the men who manufacture, sell and supply the heavy industry tools and equipment, the men who work on the service machines, and, Mr. President, I am also talking about the small-business men, in the many towns and cities of the Southwest, West and Rocky Mountain States who are kept alive by the free enterprise activity of our small companies and independent drillers.

Rigs are being stacked in the yards, men are being laid off, and independent contractors and operators are going broke. Drilling operations are being slashed, but even if they were to continue at the present rate, new discoveries this year would total about 2½ billion barrels—a drop of 12½ percent below last year's inadequate level. The June 24, 1957, issue of the Oil and Gas Journal points to the importance of the small companies and independents:

> But it's the smaller companies * * * which drilled 75 percent of last year's field wells and 83 percent of the wildcat wells. When the smaller companies cut their exploration program, the effects will surely be felt in the development program the next year and the next.

Mr. President, it is time the six-man Cabinet Committee did something about oil imports before the oil industry is completely Bensonized, too.

DISCRIMINATION IN HOUSING

Mr. JAVITS. Mr. President, in the course of a television debate last Tuesday the question arose as to my taking a position in New York which was allegedly different from a position I had taken in Washington. I think this incident so very clearly illustrates my position on this measure that I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a news release issued from my office on the question of the Sharkey-Brown-Isaacs bill against discrimination in housing, pending before the City Council of the City of New York. The release is dated July 8, 1957.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAVITS IN CONNECTION WITH THE SHARKEY-BROWN-ISAACS BILL AGAINST DISCRIMINATION PENDING BEFORE THE NEW YORK CITY COUNCIL

The struggle for a civil-rights bill in the Senate requires equal vigor to deal with discrimination because of race, creed, color, or national origin in areas where discrimination is not part of the social order. We must practice what we preach.

We have made the most outstanding progress in New York State and city of any place in the country but housing bias is found even here where not specifically prohibited by law as it is in public housing and housing with public-assisted financing. Our best progress against discrimination has come through the processes of mediation, conciliation, and technical assistance backed by law.

The objectives of the measure currently before the New York City Council, the Sharkey-Brown-Isaacs bill against discrimination in private housing, are elements in the national effort and necessary to the soul and conscience of New York City. Beyond its local implications is the impact that failure to act against housing bias in New York City could have on efforts for civil-rights legislation in the Congress. An all-out fight, in which I am proud to be participating, is shaping up on the floor of the United States Senate on behalf of President Eisenhower's moderate civil-rights program. Liberal Senators, both Democratic and Republican, leading the fight for civil rights are strengthened if the city administration of New York—this melting pot city that cradled liberalism and has prided itself on equality for all—will do all it can lawfully do to curb discrimination within its own boundaries.

I believe, however, that the effort to end housing bias can best succeed—not by reliance on criminal penalties—but, in accordance with our experience under the State antidiscrimination laws, by the action of a city commission against discrimination, utilizing mediation, conciliation, and technical assistance with court injunctions as the primary enforcement medium to back it up; the Sharkey-Brown-Isaacs bill should be amended in this way and then passed.

Mr. JAVITS. In connection with this subject, the release illustrates two very vital points: First, that I have never argued, and never would argue, that we do not have problems of discrimination and segregation all over the country, including the State of New York. I have argued, and I still maintain, that in New York State we have the most advanced laws for dealing with that situation—and I think they are very intelligent laws—of any State in the United States. I very much hope that other States will move in that field with the same degree of wisdom and vigor that we have moved in the State of New York.

In New York, under our State law, we depend upon the processes of conciliation, mediation, and technical assistance, including hearings. Every effort is made to get the parties together. The process is backed up by the injunctive power of the courts. That is exactly what we are contending for in connection with the pending bill. That is exactly what I stood for in connection with the prospective New York City ordinance. I opposed criminal penalties, because of my experience. Criminal penalties are considered harsh. It is difficult to obtain convictions; and though they sound good, they result in ineffectiveness of a statute of this kind. This is exactly the point which the proponents of the pending bill have made here.

In connection with this subject, I may add that in the State of New York we have had a remarkable experience, in two ways: First, the very few cases which have gone to court; and second, the relatively few cases, considering the size of our State—almost 16 million people—in which there have been complaints.

A report issued by the New York State Commission Against Discrimination shows that there were about 500 complaints in the first 6 months of the year, and that that is very largely attributable to the fact that word is getting around that the commission will act in such cases.

Also it is very significant that the chairman of the State commission against discrimination joined me in the position I took against criminal penalties, and in favor of the injunctive process, as the best method to accomplish the desired result.

THE GOVERNORS' CONFERENCE

Mr. MARTIN of Pennsylvania. Mr. President, a few days ago the distinguished junior Senator from Kansas [Mr. CARLSON] gave a list of Senators who have been governors of their States. The list is found on page 11179 of the CONGRESSIONAL RECORD of July 10.

Mr. President, former Senator Capper, of Kansas; former Senator Brewster, of Maine; Senator Payne, of Maine; former Senator O'Conor, of Maryland; Senator Saltonstall, of Massachusetts; Senator Martin, of Pennsylvania; former Senator Hunt, of Wyoming; Senator Carlson, of Kansas; and Senator Lausche, of Ohio have been chairmen of governors' conferences. The first conference was held in May 1908 and was presided over by President Theodore Roosevelt. I ask unanimous consent that this list of the chairmen of the governors' conferences be printed at this point in the RECORD as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CHAIRMEN OF THE GOVERNORS' CONFERENCE

The first governors' conference in May 1908, was called by President Theodore Roosevelt, who presided at the meeting. In the 3 succeeding years, Gov. Augustus E. Wilson of Kentucky presided at governors' conference in January 1909 and November 1910; and Gov. Francis E. McGovern of Wisconsin presided at the meeting in September 1911.

Beginning with the conference in 1911, an executive committee was elected at each annual meeting. Chairmen of the executive committees of the governors' conference over the years include the following:

TERM BEGINNING AT ANNUAL MEETING

Gov. Francis E. McGovern, Wisconsin, September 1911.
Gov. Francis E. McGovern, Wisconsin, December 1912.
Gov. Francis E. McGovern, Wisconsin, August 1913.
Gov. David I. Walsh, Massachusetts, November 1914.
Gov. William Spry, Utah, August 1915.
Gov. Arthur Capper, Kansas, December 1916 (no annual meeting in 1917).
Gov. Emerson C. Harrington, Maryland, December 1918.
Gov. Henry J. Allen, Kansas, succeeded to office during ensuing year.
Gov. William C. Sproul, Pennsylvania, August 1919.
Gov. William C. Sproul, Pennsylvania, December 1920.
Gov. William C. Sproul, Pennsylvania, December 1921.
Gov. Channing H. Cox, Massachusetts, December 1922.
Gov. Channing H. Cox, Massachusetts, October 1923.
Gov. E. Lee Trinkle, Virginia, November 1924.
Gov. Ralph O. Brewster, Maine, June 1925.
Gov. Ralph O. Brewster, Maine, July 1926.
Gov. Adam McMullen, Nebraska, July 1927.
Gov. George H. Dern, Utah, November 1928.
Gov. George H. Dern, Utah, July 1929.
Gov. Norman S. Case, Rhode Island, July 1930.
Gov. Norman S. Case, Rhode Island, June 1931.
Gov. Norman S. Case, Rhode Island, April 1932.
Gov. John D. Pollard, Virginia, succeeded to office during ensuing year.
Gov. James Rolph, California, July 1933.
Gov. Paul V. McNutt, Indiana, July 1934.
Gov. Paul V. McNutt, Indiana, June 1935.
Gov. George C. Perry, Virginia, November 1936.
Gov. Robert L. Cochran, Nebraska, September 1937.
Gov. Robert L. Cochran, Nebraska, September 1938.
Gov. Lloyd C. Stark, Missouri, June 1939.
Gov. William H. Vanderbilt, Rhode Island, June 1940.
Gov. Harold E. Stassen, Minnesota, July 1941.
Gov. Herbert R. O'Conor, Maryland, June 1942.
Gov. Leverett Saltonstall, Massachusetts, June 1943.
Gov. Herbert B. Maw, Utah, May 1944.
Gov. Edward Martin, Pennsylvania, July 1945.
Gov. Millard Caldwell, Florida, May 1946.
Gov. Horace Hildreth, Maine, July 1947.
Gov. Lester C. Hunt, Wyoming, June 1948.
Gov. William Preston Lane, Jr., Maryland, succeeded to office in January 1949 to fill unexpired term of Governor Hunt, who was elected to the United States Senate.
Gov. Frank Carlson, Kansas, June 1949.
Gov. Frank J. Lausche, Ohio, June 1950.
Gov. Val Peterson, Nebraska, October 1951.
Gov. Allan Shivers, Texas, July 1952.
Gov. Dan Thornton, Colorado, August 1953.
Gov. Robert F. Kennon, Louisiana, July 1954.
Gov. Arthur B. Langlie, Washington, August 1955.
Gov. Thomas B. Stanley, Virginia, June 1956.
Gov. William G. Stratton, Illinois, June 1957.

The PRESIDING OFFICER. Is there further morning business?

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORTIETH ANNIVERSARY OF SERVICE TO THE GOVERNMENT BY J. EDGAR HOOVER

Mr. MARTIN of Iowa. Mr. President, on behalf of my senior colleague [Mr. HICKENLOOPER], I wish to present a statement prepared by him eulogizing the services of J. Edgar Hoover.

The statement reads:

On July 26, 1917, a young lawyer entered the service of the Government of the United States in the Department of Justice.

Today, therefore, marks the 40th anniversary of his continued and dedicated service to the people of the United States.

It is my opinion that history will record his persevering and uncompromising opposition to crime and communism as a bulwark of this Republic during the last four decades. Under his inspirational leadership the organization which he heads has achieved a reputation not only in this Nation but throughout the world.

It is fitting that the United States Senate pause momentarily in our deliberations in recognition and appreciation of the 40 years of contributions of John Edgar Hoover, Director of the Federal Bureau of Investigation of the United States Department of Justice.

I am sure that I express the feeling of my colleagues and that of millions of Americans when I extend my congratulations to Mr. Hoover and wish him good health and long extended service in behalf of this Republic.

My senior colleague has also requested that a biographical sketch of J. Edgar Hoover be printed in the RECORD at this point, and I ask unanimous consent that that be done.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF JOHN EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, FEBRUARY 1, 1957

John Edgar Hoover was born January 1, 1895, in the District of Columbia. He was educated in the public schools of the District of Columbia and received bachelor of laws and master of laws degrees from the George Washington University. He holds honorary degrees from the George Washington University, Pennsylvania Military College, New York University, Kalamazoo College, Westminster College, Oklahoma Baptist University, Georgetown University, Drake University, University of the South, Notre Dame University, St. John's University Law School, Rutgers University, University of Arkansas, Holy Cross College, Seton Hall College, Marquette University and Pace College.

Mr. Hoover entered the Department of Justice in 1917, and in 1919, he was appointed Special Assistant to the Attorney General. From 1921 until 1924, he served as Assistant Director of the Bureau of Investigation and in May 1924 he was named Director.

Mr. Hoover is a Mason, both Royal Arch and Scottish Rite, 33d degree, and a Shriner. He is a member of Kappa Alpha Fraternity; Omicron Delta Kappa; Delta Theta Phi; Alpha Phi Omega; and Zeta Sigma Pi. He is a member of many national and statewide law enforcement associations. He is a trustee of the George Washington University; a member of the Board of Directors of the Boys' Clubs of America; a member at large of the National Court of Honor, National Council, Boy Scouts of America; and an active member of the Grand Council of the Order of DeMolay.

He has been admitted to practice law before the bar of the District Court of the United States for the District of Columbia, the United States Court of Claims, and the United States Supreme Court.

On March 8, 1946, Mr. Hoover was presented the Medal of Merit by the President of the United States. On December 30, 1951, the Jewish War Veterans of the United States of America presented Mr. Hoover the Gold Medal of Merit citation for outstanding service in safeguarding the security of the United States of America against Communist conspiracy and subversion. On May 22, 1953, Mr. Hoover was presented with the Distinguished Service Citation of the All-American Conference To Combat Communism for absolutely vital service rendered to the United States of America and to freedom everywhere in the world. On May 10, 1954, Hon. Herbert Brownell, Jr., Attorney General of the United States, awarded Mr. Hoover a Certificate of Merit in recognition of his service as Director of the Federal Bureau of Investigation for 30 years. On November 13, 1954, Mr. Hoover was awarded the Cardinal Gibbons Medal by the National Alumni Association of the Catholic University of America for outstanding service to his country. On May 27, 1955, President Eisenhower presented Mr. Hoover with the National Security Medal for his outstanding service in the field of intelligence relating to national security.

AMERICA'S RESPONSIBILITIES TO THE BLIND

Mr. WILEY. Mr. President, I was extremely interested to read a recent article with regard to the successful 31st annual

convention of the American Association of Workers for the Blind, as held in Chicago.

The article described, however, not the technical phases of the convention, but rather the matter of how we Americans who fortunately possess the blessing of sight can best fulfill our responsibilities in dealing with the average blind person.

The American Association of Workers for the blind has constantly emphasized that what the blind, or, for that matter, any handicapped, want, is not dependency, not paternalism, not pity, but rather the opportunity to live, to the greatest possible extent, as normal members of society. They want to stand on their own feet, to earn their own way, to be self-respecting, self-supporting, and, as much as possible, self-sufficient.

Of course, they do need assistance, but it is not the assistance of the handout or of paternalistic government. It is the assistance of those who seek to help themselves, with a minimum of the help of others.

This, too, is the point which has been repeatedly raised by the American Foundation for the Blind—a national research and information agency, of which President Eisenhower is honorary president, and of which the famed Helen Keller is counselor of the foundation's Bureau of National and International Relations. Mr. M. Robert Barnett is executive director of the foundation.

I send to the desk now the text of the article describing how each of us should deal with the blind people whom we may meet, with whom we may work, and with whom we may live. I ask unanimous consent that the article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOTEL MEN LEARNED HOW TO HELP BLIND AT CONVENTION OF SIGHTLESS

(By John F. Sembower)

CHICAGO, ILL.—Elaborate efforts of a Loop hotel here to make sure that its employees would know how to make the 1,000 professional and lay workers of the American Association of Workers for the Blind feel at home may have contributed a new set of standards to be used by people everywhere in dealings with the sightless.

The staging of the 31st annual convention of the delegates here from the United States, Canada, and Mexico is the culmination of what hotelmen believe has been one of the most unusual special training programs ever devised for a hotel staff, and sprang from the La Salle Hotel's decision weeks ago to assemble the best information from authorities on the blind as to how to help them cope with living in strange rooms, eating in unfamiliar places, meeting new people, seeking directions and crossing busy thoroughfares, riding fast elevators, and encountering unexpected flights of stairs.

The hotel personnel was rehearsed for days on an outline provided by Ralph Ireland, executive director of the Chicago Lighthouse for the Blind, and Holland Horton, president of the Illinois Association of Workers for the Blind. Their list of do's and don'ts has worked so effectively that soon they will be presented to other groups throughout the country.

Here are the suggestions which emerged as key points in the training:

Remember that a blind person's senses are especially keen. It is a common mistake for people to talk loudly to a blind person as though he were deaf, or to act as if he were stupid in some way.

Talk directly to the blind person just as though he could see you, and you will be surprised how quickly he faces directly at you and the sight barrier is forgotten. One of the worst mistakes is to talk to a blind person through his companion, because this is sure to embarrass all concerned.

Avoid pushing or oversteering a blind person; take a leaf out of the Boy Scout's Handbook and just offer your arm. Blind people are usually keen in sensing through light bodily contact exactly what is expected of them.

To assist a blind person to sit down, first ask him if you may take his hand to help him locate the chair, and then do only that.

When dining with a blind person, quietly describe the location of food and plates before him. About the only special assistance, aside from speaking softly, "here is the butter plate," and so on, is to remember not to fill cups and glasses too full.

In giving directions, imitate the radio announcer's technique of brief verbal descriptions for everything. Do not just walk away from a blind person, but say something about your departing, and when you come into the presence of a blind person, pleasantly announce your arrival in his ken. Blind people have almost extrasensory perception of "feeling" people near them, or their withdrawal, and like to know who is about.

Finally, a word about many a blind person's "best friend," his seeing-eye dog. Resist the urge to pet or talk with them; just be friendly in manner and reassuring, because they have a job to do and should not be distracted from it.

CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

THE HELLS CANYON DAM

Mr. MORSE. Mr. President, before I proceed with a discussion of the civil-rights issue, I desire to make a few brief remarks on another subject matter.

Yesterday the House Committee on Interior and Insular Affairs adopted a motion to postpone until February 1, 1958, the Morse Hells Canyon Dam bill, which has been passed by the Senate.

This morning the press asked me if I am now willing to admit that the high Hells Canyon Dam is licked and dead. The answer is a categorical "No."

First, I do not know what the word "quit" means. Second, I am satisfied that week by week, increasing thousands of people in the country are becoming aware of what the administration is doing to the heritage of future generations of American boys and girls in relation to their natural resources. I am satisfied that the day of reckoning will come, that the people of the United States will make their position crystal clear to their elected representatives in Congress, and that we will still win the Hells Canyon Dam fight.

"Oh, but," says the press to me this morning, "they are proceeding with the building of Brownlee Dam."

Well, Mr. President, they are having plenty of trouble building it. They are having not only foundation trouble, but I understand they are also having financial trouble, and labor trouble as well. They are beginning to recognize the mounting public opinion against the kind of private utility privateering and exploitation that is going on, as symbolized by Brownlee.

I serve notice that I shall continue, across America in the months ahead, to carry the fight to the administration with regard to this betrayal of the public trust in the field of natural resources. I shall carry that fight from platform to platform, wherever I can get a hearing. I welcome the administration to send forth its spokesmen in an attempt to reply to the position I take on the issue of natural resources.

Let me also say that repayment of whatever the construction costs of Brownlee may be from now until the first of February will be a small item, compared with the savings to present and future generations from the full development of the potentialities of the Hells Canyon Dam site.

It is too bad that this administration is putting the American taxpayers in such a position that they may have to pay out some investment costs for the construction of Brownlee, but that is a comparatively small amount to pay for this mistake of the administration. The American people are paying hundreds of millions of dollars they do not know about yet for the mistakes of the administration in many fields. Brownlee Dam happens to be only one relatively small part of that cost.

I wish to say something further about the Hells Canyon Dam issue this morning. As a Democrat, I regret that there are Democrats in the House of Representatives who do not recognize that Hells Canyon Dam symbolizes a great policy of the Democratic Party. It is in keeping with the principles of Jeffersonian democracy. I deeply regret that there are a few Democrats on the House Committee on Interior and Insular Affairs who failed to recognize the fact that the Democratic Party was entitled to the right to have the issue decided on its merits on the floor of the House of Representatives. They are perfectly welcome to say, "We are against the Hells Canyon Dam," but they ought also to be willing to say, "We intend to vote against the Hells Canyon Dam on the floor of the House, but we are willing to let it go to the floor of the House, so that the majority may rule. We will not adopt this kind of scuttling program in the committee." That is what they did; they joined with the Republicans to scuttle full development of a great natural resource.

We all know what the policy of the Republican Party is. It is a sellout to the private utilities, to the selfish monopolies. It is regrettable, however, that a great policy of the Democratic Party is being thwarted, because there are Democrats who are not willing to let

the Democrats of the House have an opportunity to vote on the Hells Canyon Dam on its merits, along with, I may say, a group of conservation-minded Republicans. I should like to point out that there are millions of Republican voters across the land who see these issues as does the senior Senator from Oregon and agree with him on the Hells Canyon Dam fight.

I wanted to make what I have said a matter of record this morning, because the press has been asking me what I have to say about the Democrats who joined with the Republicans on the House side to help scuttle, for the time being, the Hells Canyon Dam within the Committee on Interior and Insular Affairs. My answer is that I have not much to say about them, but I will have much to say about their course of action.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JOHNSTON of South Carolina. I join with the Senator from Oregon in what he is saying concerning the matter which is now pending in the House. I, too, believe that the passage of the Hells Canyon bill is almost absolutely necessary for the building up of the Senator's section of the United States. What ought to be done cannot and will not be done if the Federal Government does not join in helping the people of that region in this great undertaking.

I hope the two Democrats in the House will see the error of their ways and do what they should do in order to give to the people of the northwest section of our United States what they rightly deserve.

Mr. MORSE. Mr. President, I deeply appreciate the remarks of the great Senator from South Carolina. He and I differ on a few issues, although not many. As he knows, we differ on some civil-rights issues. But the Senator from South Carolina personifies, in my judgment, the policy which ought clearly to be put into effect by the Democratic Party in the field of natural resources. The senior Senator from South Carolina is one of the great conservationists, not only in the Senate, but of the entire country. I want him to know, speaking in behalf of the people of my State, that we deeply appreciate the valuable assistance he has given to us time and time again in our endeavor to develop the natural resources of the country for all the people of the Nation, not simply for the selfish, monopolistic interests.

As the Senator from South Carolina knows, the senior Senator from Oregon always joins shoulder to shoulder with those in the Senate who want to develop the natural resources for the benefit of all the people, wherever they are located, whether in South Carolina, Florida, Massachusetts, California, or anywhere else. As the Senator from South Carolina recognizes, and as I have said so many times, when we are fighting to develop natural resources, we are fighting to preserve, conserve, and develop the greatest single natural resource vital to an ever-climbing American civilization; namely, water. We had better make certain that we do a better job of developing the maximum potential water supply of America. That means full river-basin development; not the underdevelopment program of the Eisenhower administration; not the giving away to private interests of the people's heritage in their own water supplies.

I have often said: Watch the water table of America. It is going down. If the Eisenhower program of giving away and devastating the water resources of America is not stopped, an irreparable blow will be dealt to the future of America's civilization. In our generation, we had better not follow a course of action in regard to water resources which will deal an irreparable injury to the future generations of Americans.

I thank the Senator from South Carolina for the great assistance and leadership he has exercised in the field of water conservation.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. JOHNSTON of South Carolina. There is one other matter along that line to which I wish to call the attention of the people of the United States. Water rights do not belong to any one individual; they belong to all the people of the Nation. It is not right to allow one private company to construct a small dam on a stream and thus make it impossible, later, to build a large dam which will more greatly benefit that locality. It makes no difference where the project may be—whether it be in the South, the North, the East, or the West—that is my position.

Mr. MORSE. The Senator from South Carolina is unanswerably correct. I appreciate his support.

Mr. KEFAUVER. Mr. President will the Senator yield?

Mr. MORSE. I yield.

Mr. KEFAUVER. I strongly associate myself with the remarks of the Senator from Oregon and the Senator from South Carolina. It seems to me that we should not consider the development of the natural resources of any section of the country on a sectional basis. To provide the full utilization of our resources and their development to the greatest potential, we ought all to stand together, regardless of the section from which we come, if we are interested in future generations of Americans and in the conservation and use of the natural resources for their benefit.

In the Pacific Northwest are the Columbia and Snake Rivers, and other great water potentials. If we who come from other sections of the country take the narrow view that their development does not help our own sections, and if we vote against their development, what will happen when there are natural resources to be developed in our own sections of the country? Practically every State—certainly every region—has a resource to develop. We ought to be mindful of the fact that only by following a policy of consistency can we expect a uniform program.

I have considerable familiarity with the two proposals in the Pacific Northwest. Everyone who reads the RECORD knows that the great value of Hells Canyon will be lost unless the program of Idaho Power Co. is stopped, and unless a high dam is built there.

I think it should be borne in mind, contrary to what President Eisenhower said in his letter, that the question whether the third dam of Idaho Power Co., at little Hells Canyon, will be built, is very vague, indeed. The Idaho Power Co. may build it, it may be ordered to build it, or it may not want to build it. Also, there is considerable doubt as to when the Oxbow Dam will be completed.

I believe that thoughtful Senators and Representatives, from whatever section of the Nation they come, ought to join in the effort to enable the Federal Government to make certain that this river is utilized to its greatest advantage for the greatest good. That can be done only through the building of a high Hells Canyon Dam.

Mr. MORSE. I thank the Senator from Tennessee for his very sound remarks on the Hells Canyon Dam issue. He knows that in my book he is Mr. TVA.

Mr. KEFAUVER. I thank the Senator from Oregon.

Mr. MORSE. The Senator from Tennessee has performed outstanding statesmanship in his defense and promotion of TVA, which is naught but implementation of the sound Democratic policy about which I have been speaking this morning. I think he knows that I have always followed his leadership in regard to the great problems of the Tennessee Valley. I intend to continue to follow his leadership, because he has already unanswerably proved his case in support of the maximum development of the resources of the Tennessee Valley.

Mr. KEFAUVER. I thank the Senator from Oregon.

Mr. MORSE. I desire to make two other brief points on this subject, which might be interpreted by some persons as advice to the Democrats. It might be resented by some as advice coming from a Democrat of only recent vintage. But much can be said about a fresh point of view; and apparently on the House side there is need for the expression of a fresh point of view or a revived point of view in the matter of natural resources, because I am exceedingly disappointed in a Democratic leadership which results in a party course of action which makes possible the postponement of the final consideration of the Morse Hells Canyon Dam bill until February 1, 1958.

The Democrats did not make this a political issue; the Republicans made it a political issue. It ought to be a nonpartisan issue, because, in fact, it is a nonpartisan problem. The matter of what should be done to protect the heritage of the people of our country in their own natural resources should never be a political issue. But the Republicans have made it such. They made it such, for example, during the course of my campaign and the campaigns of the senior Senator from Washington [Mr. MAGNUSON], and the junior Senator from Idaho [Mr. CHURCH]. Now it will continue, undoubtedly, in 1958, as a political issue.

We have now witnessed the most recent partisan act on the part of the President. I have said right along: Put the responsibility for the attempt to scuttle Hells Canyon Dam where it belongs,

namely, on the shoulders of just one man, and his name happens to be President Eisenhower. I said so throughout my campaign.

The latest proof of it is the letter sent by the President to a Republican Member of the House of Representatives from the State of Washington. In the letter, which is a recent one, the President sets forth his reasons for opposing the Hells Canyon Dam. I say to the people of the Pacific Northwest: "Again the President has drawn the issue. Give him your answer in November 1958. Retire Republicans from the Congress, because, after all, it is this Republican administration that has been seeking to scuttle your natural-resource interests. Go after them in November 1958. All the proof you need is the President's letter to the Washington State Member of the House of Representatives, setting forth the President's reasons for opposing Hells Canyon Dam."

But, Mr. President, I also wish to say to my Democratic associates that I am not at all happy about the fact that the Democrats in the House of Representatives in my judgment have not kept faith with a great Democratic policy, clearly enunciated in the Democratic Party's platform and clearly professed by Democratic leaders for a long time; and it is going to be difficult, let me say, to ignore the alibi that Republicans will attempt to make, although we know they are the principal cause of the postponement—the alibi that, nevertheless, it was a Democratic House, under Democratic leadership.

So, Mr. President, I hope the Democratic leadership will not substitute the position of a few recalcitrant southern Democrats, who apparently do not understand the natural-resource problems of the Pacific Northwest, for a sound Democratic Party natural-resource program.

As I said before, in the months between today and February 1958 I intend to take not only the Hells Canyon Dam issue, but the whole natural-resource issue, to the people of this Nation, to the extent of my energies and my ability, because on the domestic front I think the preservation and the conservation of our water resources constitute one of the most important domestic issues.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

JUSTICE AND JURIES

Mr. MORSE. Mr. President, I turn now to the pending measure, the civil-rights bill.

The debate on civil rights has taken a very strange turn, indeed. After observing decades of real deprivation of equality before the law fastened upon Negro Americans, the Senate has become diverted by an unreal controversy over trial by jury.

What has happened to the basic issue? In effect, the lack of equality suffered by our Negro population has been conceded. As a result, the very substance of what the pending bill concerns has been pushed into the background, and the attention of the country and the Senate has been shifted to a subsidiary issue. The issue of jury trial in contempt cases has been allowed to usurp the stage, while the denial of the rights of citizenship is all but ignored.

On the one hand, we have the rights of millions of citizens. On the other, we have the asserted right, a claimed inviolable right, of a handful.

What, after all, are we talking about? There is, apparently, no quarrel with the proposal to add to the bill a civil proceeding to protect voting rights—at least, no quarrel on the part of those who seek to remedy the basic injustices to which the bill is directed.

But it is claimed that the change of form from criminal proceedings to civil proceedings should not be permitted to deny defendants the right to a trial by jury, which would be theirs under existing law.

Let us consider the defendants' trial under part IV. It is not claimed that there should be a jury in the underlying case in which the issue of deprivation of civil rights is tried. The trial-by-jury issue relates only to instances in which defendants refuse or fail to obey a court order remedying the denial of voting rights or other civil rights.

Mr. President, if, in the course of this debate, I say only one thing that anyone will remember, I sincerely hope this will be remembered: The determination of civil rights is for the courts, not for a jury, to make. The determination of a civil right raises a constitutional question which cannot be settled by a jury. A question as to whether a civil right is being denied cannot be determined by a jury.

Of course, the Senate could establish a procedure for a jury trial in regard to this matter. But no jury can grant or can take away a civil right from a freeman or a freewoman in the United States; and the determination of whether a civil right exists or does not exist falls within the province of the courts. That is the basic issue in this fight; and the constitutional fathers provided in the Constitution all the protection the American people could possibly want—the protection of a constitutional amendment.

Mr. President, I repeat what I said the other day: A dramatic proposal was made, namely, a proposal for a referendum on civil rights. But I was not fooled by it. The proponent of that proposal knows that one of the protections written into the Constitution of the United States is in the form of a referendum. I refer to the procedure for the adoption of a constitutional amendment. Why does not he try to use it? My difference with my good friends from the South is not a personal difference; it is a professional difference. Let my good friends from the South who think that, someway, somehow, we are seeking to deny the South its rights, offer proposed constitutional amendments which will write segregation into the Constitution of the United States, or will write into the Constitution a single one of the discriminatory practices now existing in the South and in some places in the North, thus denying fellow Americans their constitutional rights under the 14th and 15th amendments.

There is the referendum procedure, Mr. President. The constitutional fathers, with their farsightedness, provided it. But it is not proposed here, and all of us know why it is not proposed. It is not proposed because it would not be possible to get very far with such a constitutional amendment; in fact, I doubt that it would be possible to get very far with it even in the South. But considering the country as a whole, a constitutional amendment proposed in an effort to constitutionalize a single one of his discriminatory practices would not get anywhere. But that is the referendum procedure which should be followed by those who think these discriminatory practices should be authorized by the Constitution.

I wish to stress that point because it seems to me that throughout the debate too little stress has been placed upon what the Senate is dealing with. The Senate is dealing with a constitutional question. It is not for the Senate to determine what is or is not a constitutional right. It is not for a jury to determine what is or is not a constitutional right. It is for the courts to determine that question. Let me say to some of my wayward liberal friends—and I speak of them most respectfully, and I use that term only in quotation marks, for descriptive purposes—that the test of liberalism on this issue is not whether one stands for a jury trial. That does not meet the test of liberalism, either, although even as late as this morning I discovered that some labor organizations have become convinced that liberals ought to stand for a jury trial.

Mr. President, let me say to the labor organizations of America, or to any one of them which will so contend, that here is one liberal who will not go along with that position, just as I did not go along with some other liberal organizations, not so many days ago, when they wanted me to follow a procedural course of action in connection with the handling of this bill in the Senate. I said then that that was no test of liberalism, because I was being asked to sacrifice what I consider to be procedural safeguards for orderly legislative process in the Senate of the United States.

So I say now to my liberal friends in some of the labor organizations that have tried to put on the heat this morning: "I think you are dead wrong; and when I think you are dead wrong, I am, as in the past, going to vote against you."

I have no intention of following the advice of these labor organizations—I care not from what quarter or from what labor organizations it comes—because on the merits I consider them wrong on this issue, for I think it is the duty of the liberals, in this historic debate, to protect that great, precious citadel and safeguard of free men in their constitutional rights, namely, the judicial branch of Government, coequal and coordinate with the legislative branch. In my judgment, the adoption of the trial-by-jury amendment would

result in weakening the right and duty and obligation of the courts of America to protect constitutional rights, for reasons I shall set forth in this speech before I finish.

Mr. KEFAUVER and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield first to my friend the Senator from Tennessee.

Mr. KEFAUVER. I appreciate my friend's yielding to me. It is very seldom I have a different point of view from that of the Senator from Oregon, but he has made the point that he does not think the matter of a jury trial has any great importance in injunction cases affecting labor, as I understood the statement.

Mr. MORSE. No; I did not say affecting labor. I said affecting constitutional rights.

Mr. KEFAUVER. Does the Senator agree with the position taken by Senator Norris and Representative La Guardia and Congress at the time it enacted the Norris-La Guardia Act?

Mr. MORSE. For reasons set forth in great detail the other afternoon in a speech I made in the Senate, in my judgment their position bears no analogy to the instant case at all. If the Senator from Tennessee is arguing by way of analogy, I answered the argument in great detail the other day by saying the old method of using an argument by way of analogy is a very effective tool; but in any argument by analogy one ought to use two cases that are comparable. For the reasons I set forth, I do not think there is any comparability between the issue of labor injunction, which involves private economic contests between private parties, and the present issue, which involves the inherent power of a court to protect the constitutional rights of every man and woman in this country, irrespective of the color of his skin.

Mr. KEFAUVER. Mr. President, will the Senator yield for another question?

Mr. MORSE. Yes; I yield.

Mr. KEFAUVER. I know that in my own State the members of organized labor endeavored to have passed by the Tennessee Legislature—and it came up for consideration—a bill granting a jury trial for violators of injunctions of courts in labor cases.

To the extent I could, I assisted their efforts in the Legislature of the State of Tennessee.

Mr. MORSE. I would do the same thing if it involved a corporation.

Mr. KEFAUVER. I felt that was in furtherance of the general principle of jury trial as contained in the Norris-La Guardia Act.

Mr. MORSE. That act involved no constitutional right.

Mr. KEFAUVER. Several thoughtful members of organized labor with whom I have talked recently feel, inasmuch as in the Taft-Hartley law—for which the Senator from Oregon and other Senators now present, including the Senator from Illinois [Mr. DOUGLAS], and the Senator from Minnesota [Mr. HUMPHREY], did not vote, and for which I did not vote, brings the National Labor Relations Board into the picture in cases that go to the court of appeals, there are no provisions for jury trial, that the Norris-La Guardia jury trial provision is substantially meaningless insofar as concerns protecting the rights of labor to a jury trial for violation of an injunction. Has not that point been made?

Mr. MORSE. Oh, yes; and the Senator from Oregon, in reply, has tried to point out that such cases involve contests over economic rights and interests, and not contests over basic constitutional rights.

Mr. KEFAUVER. If it was worth while and if it was good public policy to grant members of labor a jury trial with reference to an alleged violation of an injunction in labor disputes, and if we could rewrite the law so as to restore to labor the right they had before the passage of the Taft-Hartley law, would not the Senator feel that was a step in the right direction? Would not that give some protection to members of organized labor against decisions that have been imposed upon them by dictatorial orders of district judges in many cases?

Mr. MORSE. I have no quarrel, in so-called private litigation, with granting of jury trial to determine the facts in regard to economic interests; but I object to argument by false analogy that would confer a right to trial by jury in a case which involves the question whether a defendant is carrying out the court's instruction when the constitutional rights of a free man or a free woman are involved. In regard to such cases, no jury ought to have jurisdiction; only a court should, and the necessary check is provided. What is the check? There is the check of going from the district court to the appellate court and thereafter to the Supreme Court. As the Senator from Tennessee well knows, the practice has been to hold the case in abeyance until the appellate procedure has been concluded. Then, if the Supreme Court goes wrong, so far as the American people are concerned, we have the constitutional amendment procedure.

What I wish to point out is that in the legislature, the Congress, some are seeking to infringe upon the inherent judicial power of the Supreme Court, in the last analysis, which has been written indelibly into the Constitution. That fact has been lost sight of, I respectfully say, in the false analogy argument which has been used in support of jury trial. I will say to the Senator from Tennessee that I develop it further in my speech.

Mr. KEFAUVER. I should like to ask the Senator a final question. As a student and teacher of constitutional law, the Senator from Oregon, of course, knows that when a person is being tried for criminal contempt, the case does take on many aspects of a criminal trial, in which he would be entitled to a jury. He can be sentenced for a definite length of time. He is presumed to be innocent until proved guilty. He cannot be required to testify against himself.

Mr. MORSE. That is true in contempt cases, now, except for the jury.

Mr. KEFAUVER. So where the case involves punishment, as distinguished from an effort to secure compliance, what objection has the Senator to granting a jury trial?

Mr. MORSE. Because it is an infringement on the necessary prerogatives of the court.

Mr. KEFAUVER. Is it not a matter for the determination of the court as to whether the court will proceed in civil contempt, in order to secure compliance, as distinguished from wanting to punish somebody for an act he has done?

Mr. MORSE. That is correct.

Mr. KEFAUVER. Is not that a decision for the court to make?

Mr. MORSE. Yes.

Mr. KEFAUVER. Then how does it infringe upon the prerogative of the court?

Mr. MORSE. Because Congress will be saying to the court, "You must follow this mandated procedure." When we do that we in effect—mark my language—take away the complete authority of the court to determine constitutional rights.

Mr. KEFAUVER. Would not the Senator agree that when we leave it to the court to determine which procedure it will follow, whether it will be for civil contempt, in which a defendant does not have a jury trial, or criminal contempt, in which event the defendant may have a jury trial, the court will follow the procedure based upon its decision whether it wants compliance or whether it wants to punish a defendant for violation of a court order? Does not the Senator feel that the dignity and the sanctity of the court is being fully safeguarded by such a procedure?

Mr. MORSE. As the Senator knows, really both civil and criminal contempt can be tried in the same proceeding.

My next answer to the Senator is that: I do not want my constitutional rights, or the rights of the Senator from Tennessee, or the rights of any other one of our 170 million people, determined by a discretionary alternative. I want my constitutional rights determined and backstopped on the basis of judicial action, not on the basis of the possible caprice of a jury.

Mr. KEFAUVER. Why was the Senator in favor of the jury-trial provision in the Norris-La Guardia Act?

Mr. MORSE. As I pointed out, it was because that act involved not a constitutional right, but a dispute over relative economic interests as between private parties.

Mr. HUMPHREY and Mr. DOUGLAS addressed the Chair.

Mr. MORSE. I yield to the Senator from Minnesota [Mr. HUMPHREY] and then I shall yield to the Senator from Illinois [Mr. DOUGLAS].

Mr. HUMPHREY. Is it not true that the main purpose the Norris-La Guardia Act was to abolish the use of injunctions as a means of the so-called adjudication, if we can use such a word, of labor disputes?

Mr. MORSE. Of economic issues.

Mr. HUMPHREY. Of economic issues.

Mr. MORSE. Yes.

Mr. HUMPHREY. Furthermore, the policy which had been declared was the policy of collective bargaining. Therefore, when the injunctive process was to be used it was to be couched in such terms and in such protective procedures that it would forward the national objective of collective bargaining.

Mr. MORSE. The Senator is correct.

Mr. HUMPHREY. In this instance, as to the right to vote, which is a right at least supposedly guaranteed by the 15th amendment to the Constitution, whatever procedures are to be advocated should be procedures which enhance the right and privilege declared in the Constitution of the United States.

Mr. MORSE. I share that opinion.

Mr. HUMPHREY. I have one further observation, if the distinguished Senator from Oregon will yield further.

Mr. MORSE. I yield.

Mr. HUMPHREY. It appears to me that the argument which is being used by our esteemed colleague from Tennessee is an argument which begs the question entirely, because, as the Senator from Oregon has so brilliantly, so concisely, and so purposefully pointed out, article III, section 1, of the Constitution leaves no doubt whatsoever where the judicial power rests. The judicial power does not rest with the Congress.

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Then we come to section 2, which says:

> The judicial power—

And I underscore those words—

> The judicial power shall extend to all cases in law and equity.

If the judicial power is to be in the court, then the court must have the power to protect its judicial power, and that is exactly what it is able to do and what it is privileged to do under a long history of constitutional law.

Mr. MORSE. That is the position I am taking.

Mr. HUMPHREY. Exactly. What the opponents of this measure are proposing is not to take us back to the Constitution, but rather to add to, supplement, and change what has been the historic process in the courts of the United States.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I say, most respectfully, they have pulled the so-called oratorical wool over people's eyes. They are trying to fuzz up the picture and make it appear that when one stands against jury trial in criminal contempt cases, such as we are talking about here, where a constitutional right is involved, somehow or other he is attempting to deny what is laid down in a long period of American history. The truth is that those who are trying to rewrite history, the opponents of the position taken by the Senator from Oregon, are trying to rewrite the pages of history.

Mr. KEFAUVER. Since my name was mentioned, Mr. President, I ask the Senator to yield to me.

Mr. MORSE. I think the Senator from Illinois [Mr. DOUGLAS] will permit that courtesy.

Mr. KEFAUVER. I should like to ask the Senator from Minnesota a question. The Senator from Minnesota cited the Constitution as saying that all judicial power was vested in the Supreme Court.

Mr. HUMPHREY. That is right.

Mr. KEFAUVER. That meant the courts, and the Senator mentioned that since the jury was not mentioned, it was not a part of our judicial system. As the Senator well knows, the circuit courts, the district courts, and many features of the court system, including trial by jury, are necessary parts of our judicial system, even though they may not be mentioned in the Constitution, where only the Supreme Court and inferior courts are mentioned.

I hope the Senator does not mean by his statement that he wishes to take us back to conditions before Runnymede and abolish trial by jury as a part of our judicial system.

Mr. HUMPHREY. I assure the Senator from Tennessee that I do not wish to take him back to conditions before Runnymede, or even to take him back to the situation before this debate started. I desire to refer him to the history of common law cases, and equity cases. The Senator from Tennessee is a great student of the law and knows much more about this subject than I do. The Senator knows that in cases of equity a jury trial is not exactly the pattern. The Senator from Tennessee knows that better than the Senator from Minnesota. Why does the Senator try to put on foggy glasses and miss the issue?

I say to Senators that the jury-trial issue has been blossomed up as a sort of cloud or fog over the entire legislative process on this bill. The Senator from Tennessee knows better than the Senator from Minnesota that when a crime is committed the defendant is entitled to a jury trial, but the Senator must know that in this instance we are merely attempting to protect the integrity of the courts.

(Several Senators rose.)

Mr. KEFAUVER. May I say to my distinguished Senator friends——

Mr. HUMPHREY. Thou art surrounded.

Mr. KEFAUVER. I believe that on this issue I surpass them in liberality. I am not only for a jury trial under the Norris-La Guardia Act, in order to prevent arbitrary actions of judges—and we have noted such in some courts, against labor unions—but I am also in favor of a jury trial for the violation of any injunction where the person is involved in a criminal violation of the injunction and is liable to be punished for a violation of the injunction, as distinguished from forcing compliance with the injunction, whether it be labor legislation, antitrust legislation, under a civil-rights bill, or whatever it may be. I think that is sound procedure.

So far as I am concerned, I should like to see the present statute amended so as to restore the right which labor lost by the enactment of the Taft-Hartley law and so as to provide for a jury trial in criminal contempt cases for violation of an injunction. I think that is the direction in which we ought to be moving.

I am sorry my friends here are trying to protect what the Taft-Hartley law has done to the Norris-La Guardia Act.

Mr. MORSE. Mr. President, exercising my floor rights, if I still have them, I wish to say to my good friend, the Senator from Tennessee, that as he knows, I love him. I even love him when he makes such a mistake as he is now making.

Mr. KEFAUVER. I might say, greater love hath no man.

Mr. MORSE. I apparently cannot get the Senator from Tennessee to consider my point that he is arguing by false analogy throughout this discussion. The Senator says he thinks he surpasses us in liberality. I say to the Senator that in my judgment, respectfully stated, there is nothing liberal about proposing to turn over to a jury the determination of constitutional rights. In effect, that is what the Senator is proposing to do. Determination of constitutional rights is a subject in the province of the court, not of a jury.

I do not propose, as a liberal, to give that right to any jury. I repeat that there is nothing comparable between the Norris-La Guardia Act and the question as to whether or not a constitutional right, in the form of a civil right of any American, is being denied. If such a right is being denied, that is not a jury question, but is a court question, with all the appellate procedure which is available.

The patience of the Senator from Illinois [Mr. DOUGLAS] has been so great that I now yield to him.

Mr. DOUGLAS. Mr. President, first, I wish to congratulate the Senator from Oregon for the very brilliant legal, procedural, and constitutional argument he has been making. Our good friend, the Senator from Tennessee, is stating that because the Senator from Oregon and others of us favored the jury-trial provision in the Norris-La Guardia Act, we are therefore grossly inconsistent in opposing a jury-trial provision under part IV of the civil-rights bill.

The Senator from Illinois, as Senators all know, is not a lawyer, and, therefore, he is not acquainted with the full legal subtleties which lawyers on this floor use in discussing this question.

I had always thought that the aim of any system of law or any system of procedure was to obtain the maximum amount of justice. I had never thought that procedure was an end in itself, or that the formal rules of law were ends in themselves. They are merely means to obtain justice.

What was the situation which we faced in 1932? It was a situation in which the Federal courts of the land were almost entirely composed of judges of a highly reactionary stamp, recruited almost entirely from the ranks of successful corporation lawyers, because the Republican Party had been in power, with the exception of 16 years, ever since the Civil War. So the judges issued injunction after injunction restraining the legitimate activities of labor unions. They not only restrained peaceful picketing and the primary boycott, but in

connection with the so-called yellow-dog contract they issued a series of sweeping injunctions. Under the yellow-dog contract, workmen would agree not to join a union or talk with a union official. Those laws were held to be constitutional by the United States Supreme Court. Many employing groups went one step further. They sought and obtained injunctions from Federal courts——

Mr. MORSE. Ex parte.

Mr. DOUGLAS. Ex parte. They sought such injunctions restraining union officials from talking to or approaching those who had signed the yellow-dog contracts. Then, if the union officials did approach them, they could be subjected to punishment for contempt.

In those circumstances many of us felt—and the Senator from Illinois felt at the time—that a great degree of justice would be obtained by submitting such cases to juries. It was that principle, rather than any distinction between economic rights and constitutional rights, which swayed many of us.

What is the present situation? The present situation is one in which, although we welcome the decision in the Clinton case, it is quite obvious that southern juries, selected primarily from jury lists which largely exclude Negroes, will tend to have some color bias to begin with.

Second, if they do not have a color bias, they are aware of the fact that, at the termination of their service, they must go back into the communities from which they came and be exposed to all the social, economic, and at times physical pressures which may be brought to bear. So under those circumstances it would be extremely difficult to obtain any deserved enforcement.

On the other hand, Federal judges are not prejudiced against the white citizens of the South, because they themselves are white southerners. They are southern born, southern educated, southern trained, and appointed from the South. Their nominations are confirmed by the Senate. No one who is unsatisfactory to southern Senators can be confirmed as a Federal judge. In one case the son of a former Senator is a district judge. In another case, in South Carolina, a district judge is the father of the present governor. The brother of the distinguished senior Senator from Georgia [Mr. RUSSELL] was once a district judge, and then a circuit judge. We cannot accuse those men of being prejudiced against the white South. However, they have life tenure, and they have sworn to obey the law. Therefore they tend to have a greater respect for the law than would be true of a group of citizens assembled. Furthermore, by reason of the fact that they enjoy life tenure, they are somewhat insulated from the passions and prejudices of the community.

I interject these remarks because, in addition to the very able constitutional argument the Senator from Oregon is making, of which I heartily approve, I think we should keep our eye on the goal of justice as well as on the means of procedure.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. In a moment. I wish to make a brief comment on what my friend from Illinois has said.

I did not realize, when I started my speech today, that so much would be said about the question of labor injunctions. However, inasmuch as the question has been raised, I think my liberal friends would at least enjoy, if they would not be a little amused by, an argument which I had this morning with some of my labor friends, who pointed out to me that I had been one of the leading exponents in the Senate, at the very beginning of the Taft-Hartley law fight, of the position against the oppressive injunctive proceedings which are possible under the Taft-Hartley law.

I replied that I not only thought I had had such a record, but that I was very proud of it, but that that has nothing to do with the issue before the Senate, in connection with civil rights.

I do not happen to believe that in private actions between labor unions and an employer we ought even to go as far as we go in the Taft-Hartley Act, in giving to courts the power to break the economic backs of unions. But I point out again that we are dealing with economic interests, and not constitutional interests.

Everything the Senator from Illinois has said in regard to the history of the Norris-La Guardia Act is true, and I am glad he has placed it in the RECORD. But so far as the senior Senator from Oregon is concerned, the proper distinction between the different types of injunction in labor disputes is the distinction between the determination of economic interests, on the one hand, and, on the other, the determination of constitutional rights, which I think must be left with the courts. That is the thesis of my argument, and it is on the basis of that thesis that I intend to take my stand on the jury trial issue.

I shall proceed, if I may, and present my further arguments on this subject.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. MORSE. In a moment.

Many of my arguments have already been alluded to in the very interesting colloquy which I have had with my great friend, the Senator from Tennessee.

I yield to the Senator from Tennessee.

Mr. KEFAUVER. I appreciate the kindness of the Senator in yielding to me again.

The Senator from Illinois [Mr. DOUGLAS] has pointed out and reemphasized the position of the Senator from Oregon, that we are dealing here with the protection of constitutional rights, and that the Senator does not feel that that is a matter for a jury to pass upon, but rather it is a matter for the courts.

Has not the Senator from Illinois heard, as I have heard many times, the Senator from Oregon make long dissertations and forceful, eloquent, persuasive speeches on the theory that our constitutional rights are only as secure as the procedures which we have to protect them?

Mr. MORSE. I think I should interject that the Senator's colleague has just pointed out to me that the first descriptive phrase used by the Senator from Tennessee with regard to my speeches was to the effect that they were long. [Laughter.]

Mr. KEFAUVER. If I used that word, I did not intend to do so, because, judging the Senator's speeches on the basis of the importance of what he has to say, he makes short speeches. They may be considered lengthy by some, but they are full of worthwhile thoughts. The burden of many speeches which the Senator has been making—and I am sure the Senator from Illinois will agree—has been that there is not much use in having basic constitutional rights unless we have adequate procedures to protect them. The Senator has made the argument that the procedures of the Senate are important in the protection of constitutional rights—at any rate, of rights—and that the procedures of the Senate should be preserved.

Of course the jury system is a procedure for the securing of our basic constitutional rights. How can the Senator from Oregon be so indifferent to a procedure in one instance, and feel it is so important in the preservation of constitutional rights in another instance?

Mr. DOUGLAS. Is that question being asked of me?

Mr. KEFAUVER. I will address it first to the Senator from Illinois.

Mr. DOUGLAS. I never pass judgment on my fellows, but I may say that of course the Senator from Oregon has always emphasized procedural rights, and I believe he has performed a very valuable service in emphasizing them. The Senator from Illinois has said that to his mind the securing of justice, however defined, is the primary objective, and that procedure is an instrument with which to obtain justice. In this instance I am very happy that the Senator from Oregon is marshaling his eloquent arguments to indicate clearly that the procedure which we favor is best designed to obtain justice. I may say that if he had marshaled equally eloquent arguments on the other side of the question, I would not have been much impressed by them. [Laughter.]

Mr. MORSE. Mr. President, I should like to answer both Senators. I will say that I am demonstrating again my dedication and devotion to sound procedures, just as I did when I suggested that the bill should first go to the Committee on the Judiciary, with instructions. Now I argue along the same line when I say that we ought to protect the constitutional procedural powers of the courts. Because we are dealing with a constitutional right, I do not intend to support a procedure which, in my judgment, invades and weakens what I consider to be an important procedural power of the courts.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from New York.

Mr. JAVITS. I join my colleague in his outstanding and able legal analysis of the situation. I may say to him that I sat for more than an hour the other evening and listened to his speech, which included arguments on the jury trial

proposal. I thought it was an outstanding, erudite speech, well worthy of the highest standards of a law school dean, the distinguished position my colleague occupied before he came to the Senate.

Mr. MORSE. I should like to interrupt the Senator to say that I always feel stronger when the Senator from New York is on my side. I appreciate very much his kind remarks.

Mr. JAVITS. I thank my colleague. I hope we may be on the same side very often. I, too, am not very happy when I am not on the same side with him.

It seems to me we should carefully consider the analogy which is being drawn, even though it is taken out of context, because it is nevertheless a part of the process which has been referred to as pulling the wool over the people's eyes. It is being said that a man could be sent to jail, deprived of his rights, and so forth, without benefit of a jury trial. It should also be pointed out that a man could go to jail even under the amendment that has been offered. Therefore I believe we should make a distinction between a private right in the case of a situation that arises under the Norris-La Guardia Act and a broadly based right of sovereignty. We should point out that there was a reason why the amendment which sought to eliminate the United States as a party in the section which gives a jury trial was defeated. The reason was based on broad public policy. We are following the same broad public policy now, because we are protecting a broadly based right which we do not wish to entrust into the hands of a particular jury, as we are willing to entrust so many private rights, even the liberty of an individual.

Mr. MORSE. I believe that is a very sound statement.

Mr. JAVITS. It must be remembered that it is a crime and a contempt that we are talking about. I favor the amendment which the Senator from Oregon sponsors, to place a limitation on the punishment. I favor it also because it would largely dispose of the argument that is presently being made that a man could be sentenced to rot in jail, as if he had committed some heinous crime. It also pinpoints the fact that we are only trying to make it possible for the court to enforce its own mandate, and that if an individual commits a crime, he is separately triable on that charge. I deeply appreciate the Senator's explanation and statement.

Mr. MORSE. I agree with the Senator's statement on the subject. I feel very much stronger to know that he will support my amendment.

Mr. JAVITS. I shall do so, and I hope that many other Senators on this side of the aisle will also support it.

Mr. MORSE. I should now like to make a statement on a point I covered earlier in my remarks. I have just received a note that my early remarks about the position of some labor unions is being interpreted by some as a statement that all labor unions of the country are in favor of jury trials. I am sure the RECORD will show that I did not say that, and that that is not a fair interpretation of what I said. What I did point out was that a group representing some labor unions came to me this morning and tried to get me to support a jury trial amendment. I explained to them that I would not support such an amendment because I did not join in their point of view. I know of no labor movement throughout the country supporting a jury trial amendment. That may be the case, but, if so, I do not know about it. I know that certain labor-union representatives spoke to me this morning and tried to have me associate myself with their views on the jury trial amendment, but I refused.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. I should like to join the Senator from New York in commending the Senator from Oregon for proposing that the bill contain maximum penalties of not too severe a nature. I believe it is a very constructive suggestion. I shall support such an amendment and shall work for its adoption.

Mr. MORSE. Mr. President, in fairness to the Senator from Indiana, with whom I am happy to cooperate, I shall complete my formal statement, and then submit to questioning. I shall then yield the floor so that the Senator from Indiana may proceed with a speech which he had scheduled for some time.

DEFIANCE OF COURT DECREES

In a law-abiding society failures and refusals to abide by court decrees are rare. They are rare because the lawful and orderly fashion of challenging the judgments and orders of Federal district courts, or any trial courts, is to appeal. Such an appeal can be based on the law, the factual record, or both. It has yet to be contended on this record that appellate courts will be anything but fair and judicial in reviewing judgments and orders.

What then is the issue? The issue is how alleged failures to comply with orders not appealed are to be tried. If we assume that defendants in these cases will be law abiding in the main, we are concerned with but a handful of cases. Indeed, if the history of our legal system is any guide, such cases will be the rare exception.

Or are we being told implicitly that there will be massive resistance to Federal court judgment and orders and that defendants will in the main take the law into their own hands? If this is the argument, what is our response? Are we being asked, in effect, to cripple or hobble the Federal district courts in the administration of this bill? Is the implicit argument that there will be hundreds of contempt actions because most defendants will defy the courts? And are we being told, in effect, that because we can expect dozens or hundreds of contempt cases, we are dealing with a major problem.

Let the opponents of the bill lay their cards on the table. Are they implying that mass disregard to court orders lies ahead in the administration of this bill?

Let us assume for a moment there will be mass contempt of court. How are we to respond? Are we to say, by adopting this amendment, that juries chosen on an unrepresentative basis are to be interposed between the courts and their orders on one hand and defendants bound by those orders on the other? If we are dealing with threatened mass contempt, do we not owe it to the orderly administration of justice to maintain its traditional defense—the contempt power?

On the other hand, if contempts are expected to be few and isolated, what is the clamor to impose limitations on contempt cases to which the United States is a party that do not now exist under the law and have not heretofore been imposed?

We are told that trial by jury is an inviolable right. But the courts have held otherwise and the statutes are to the contrary, as I pointed out in my speech on Tuesday.

There is no constitutional right to trial by jury in contempt cases. There is no due process requirement of trial by jury in contempt cases. The contempt power is the power of courts to require compliance with decrees and to punish for willful refusal to comply. Why? The right exists so that the courts will not be flouted and that individuals will not take the law into their own hands.

WHAT IS CRIMINAL CONTEMPT?

It has been contended that the law since 1914 requires jury trial in all cases of criminal contempt. That is not so. The Clayton Act provisions requiring jury trial for criminal contempts apply only to those cases in which the violation of the court decree is also a violation of a criminal statute of the United States or a State. The elements of a criminal contempt are willful disobedience and punishment which cannot be avoided by later compliance. The factor, under the Clayton Act, which has been applied to all classes of criminal contempt, and not merely violations of antitrust law decrees, requiring jury trial, is that the violation of the decree is also an act which violates a criminal statute. The mere fact that the underlying case may be similar to a criminal case does not make it a certainty that criminal contempts invoke the violation of the similar criminal statute.

VIOLATION OF COURT ORDER NOT NECESSARILY AN INDEPENDENT CRIME

For example, a remedial decree may require a vote registrar to report back to the court at fixed intervals what he is doing to comply. If he willfully fails to report as directed, he would violate the decree—but not the statute prohibiting officials to discriminate in the registering of voters. Or the decree may order the official to post and publish notices as to new registry procedures. A willful refusal to follow the order could be punished as criminal contempt and yet not be a violation of a criminal statute.

A lawful order to remedy discrimination can have requirements very different from the prohibitions of a criminal statute on the same subject. So it is not accurate to say that in civil proceedings in the field in which there is also a criminal statute, trial for contempt is essentially the same as trial for violation of the criminal statute.

Even beyond that, the purpose of the trials is different. Sentence for violation of the statute is punishment for the transgression of law. Punishment for willful contempt of a court order is in vindication of the court's authority to require compliance of orders presumptively valid.

PROCEDURES ON APPEAL

In most cases, the order of a lower court is stayed until an appeal can be filed and consummated. Only pressing requirements for action cause courts to deny applications for a stay. But if a court in its sound discretion does deny a stay, is that any reason for giving special treatment to defendants who do what they please in violation of the order? Assuredly not.

There has been a good deal of sloganizing on the right to a trial by jury, but the slogans do not bear up under legal analysis.

HOW WELL DO JURIES DEFEND LIBERTY?

There have been stirring defenses of the jury as a shield against despotism. As I said earlier in this debate, juries have their utility. But have they in fact and in deed proven to be a guardian always against tyranny?

Take an example from our own history. No laws ever enacted have earned the just opprobrium of our people equal to the revulsion to the Alien and Sedition Acts. The Alien Act never resulted in a prosecution, although it drove outspoken aliens out of the country.

But the Sedition Act of 1798 resulted in 10 cases of prosecution, with a possible 11th, which is not thoroughly documented.

The Sedition Act was directed against a free press and free speech under the guise of condemning seditious libel. The act was used by the Federalists in power to silence opposition newspapers and political opponents. Most of the defendants were newspaper publishers, writers, or phampleteers who were critical of President John Adams. One defendant was a Representative from Vermont, Matthew Lyon. Another defendant was Anthony Haswell, editor of a newspaper, who published an advertisement to raise funds for Lyon's fine, and who said some strong things about Lyon's conviction and the unfair treatment he was receiving as a prisoner.

All 10 defendants were tried by juries which, under the Sedition Act, had the authority to decide both the law and the facts. A reading of the contemporary accounts of the trials—see Wharton, State Trials of the United States—some based on shorthand reports, clearly show how the defendants were presented from presenting their defense adequately. The kangaroo-court methods were obvious and shocking.

What did the juries do in all 10 cases? They convicted the defendants.[1]—Anderson—The Enforcement of the Alien and Sedition Laws, Report of the American Historial Association, 1912. In one case the jury deliberated 1 hour—Wharton, page 336. In the Virginia trial of Callender the jury brought in the guilty verdict after 2 hours.

The Sedition Act is acknowledged to have been the most tyrannical in our history, both in substance and in application. In all the cases tried under it, the jury system failed utterly to function as the guardian of freemen's liberties. I do not recount this history to impugn the jury system. I merely cite it to show that the jury system does not have the celestial virtues claimed for it in this debate.

The jury system was abused in these cases. Federal marshals, who summoned juries, selected Federalist sympathizers for seats on the juries. The juries in these cases were not fully representative, just as jury panels are not truly representative of communities where they are based on voters' lists, which are unrepresentative or are based upon discrimination because of the color of the skin.

The Sedition Act cases do not show that juries will always convict. We know that is not so. They do show that juries are not proof against passion and prejudice—political, sentimental, or otherwise. That there are juries, such as that in Clinton, which can be dispassionate, I do not doubt.

All I claim about this issue is the following:

First. Jury trial does not have the virtues claimed for it;

Second. There is not a constitutional requirement for jury trial in contempt cases;

Third. There is not a due process requirement of trial by jury;

Fourth. Criminal contempt does not necessarily involve violation of criminal statutes;

Fifth. If there is to be massive resistance to court decrees in civil rights cases, we should not hobble the courts as they have never been hobbled before;

Sixth. If, as is usual, criminal contempt cases under this law will be rare, the dispute over trial by jury has been disproportionate to the issue and has unfortunately obscured the underlying purpose of the proposed legislation—namely, additional and effective civil proceedings to protect the rights of millions of citizens.

I believe, and I speak most respectfully, that the advocates of jury trial in this debate have misplaced their zeal. Some have permitted themselves to be distracted by an issue with apparent appeal, but little substance. Let us return to our task—the insurance of basic rights to a people who have yet to be permitted to get past the waiting room of citizenship.

Let us remember throughout the rest of the debate on this issue that, after all, it is for the courts to determine the issue as to whether a constitutional civil right is being denied any American, irrespective of the color of his or her skin.

The PRESIDING OFFICER. The question is on agreeing to the amendmen of the Senator from Wyoming [Mr. O'MAHONEY].

[1] The law expired automatically in 2 years and no appeals were taken.

SUPREME COURT DECISIONS—PROPOSED LIMITATION ON APPELLATE JURISDICTION

Mr. JENNER. Mr. President, just about a year ago—in June 1956—a Member of the United States Senate declared, in a speech on the Senate floor:

> If the Supreme Court had another 3 or 4 months to hand down decisions which help the Communist Party, our Government and our institutions might well be at the mercy of the Communist conspiracy by the end of the summer.

Decisions which the Supreme Court has handed down since that time have gone infinitely further in undermining the efforts of the people's representatives at both the National and State levels to meet and master the Communist plot against the security and freedom of this Nation.

No conceivable combination of votes in Congress could have done as much damage to our legislative barriers against communism and subversion as the Supreme Court of the United States has done by its recent opinions.

The Supreme Court has dealt a succession of blows at key points of the legislative structure erected by Congress for the protection of the internal security of the United States against the world Communist conspiracy.

Time after time Congress has acted to shore up these legislative bulwarks; and time after time the Supreme Court has knocked the props out from under the structure which Congress has built.

There was a time when the Supreme Court conceived its function to be the interpretation of the law. For some time, now, the Supreme Court has been making law—substituting its judgment for the judgment of the legislative branch.

There was a time when a Justice of the Supreme Court might dissent in a case of first impression, but could be relied upon to decide the next case involving similar points in accordance with the prior decision of the Court, notwithstanding his own prior dissent. This was because Justices of the Supreme Court respected the Court and respected the principle of stare decisis. Nowadays individual members of the Supreme Court are constantly busy defending their own positions, and a Justice who files a dissenting opinion on a particular point can usually be expected to stick to that opinion whenever the point is raised, thus keeping the Court constantly split.

By a process of attrition and accession, the extreme liberal wing of the Court has become a majority; and today we witness the spectacle of a Court constantly changing the law, and even changing the meaning of the Constitution, in an apparent determination to make the law of the land what the Court thinks it should be.

Laymen, lawyers, the legislative branch, and the executive branch of government have come to recognize the predilection of the Supreme Court for making new law. Even the lower courts have come to expect it, with the result that it has become commonplace for

decisions to be held up in lower courts, while waiting for the Supreme Court to make some new law that will apply to the case.

A particularly flagrant example is the case of Albert Blumberg, convicted in March 1956, of violation of the Smith Act, but not yet sentenced, and now likely to be turned loose, through application of the new doctrine enunciated by the Supreme Court in the Jencks case.

A jury convicted Blumberg in March of 1956; and in May of 1956, Judge Kraft, in Philadelphia, heard argument on a defense motion to set aside the verdict and for an acquittal. Judge Kraft never acted on that motion, and is free now to apply the Supreme Court's decision in the Jencks case to the facts and issues of the Blumberg trial, held a year ago last March.

The decision in the Jencks case, as we know, is one of a group of very recent decisions which have gone even further and faster than the Court ever has gone before in moving to the left.

There can be no doubt that the total effect of these decisions of the Supreme Court has been to weaken the Government's efforts against Communists and subversives.

By some of these decisions, antisubversive laws and regulations have been rendered ineffective. States have been denied the right to fight subversion, and have been denied the right to bar Communists from practicing law in their States. Violators of Federal antisubversive laws have been turned loose on flimsy technicalities. Confidential files of the FBI and of other investigative and law-enforcement agencies have been opened up to fishing expeditions by defendants and their counsel. The Court has challenged the authority of Congress to decide upon the scope of its own investigations, and has also challenged the right of a Congressional committee to make up its own mind about what questions to ask its witnesses.

Many pending cases may be affected, and an undetermined number of cases already settled may be reopened, as a result of recent decisions of the Supreme Court, regardless of what Congress may find it possible to do toward curing the situation, because while Congress cannot make a new law which will affect a case already tried, the Supreme Court can, and does. The Supreme Court can change overnight a rule of law one hundred years old, and can make the new rule apply to all cases under way, and can provide a basis for reopening cases already tried which involved the point covered by the new rule.

There is no way for Congress to invalidate or repeal a decision of the Supreme Court of the United States, even when that decision is legislative and policy-making in nature. Congress can in some cases strike down judge-made law, by enacting new law, or by correcting the Court's error, respecting the intent of Congress, by a new declaration of intent. This power of the Congress should be exercised to the maximum, of course; but it will not fully meet the situation. The Court has become, for all practical purposes, a legislative arm of the Government; and many of its feats are subject to no review.

Let us look at some of the Supreme Court's recent decisions which have had particular impact of a legislative nature.

During the closing weeks of its 1956 session, the Court decided the case of Nelson against Pennsylvania, and in that decision threw a roadblock against the efforts of the people to check the spread of Communist power through their State governments. The Court told the sovereign States that even though they, themselves, might be in danger of being overthrown by the Communist conspiracy, they could not act, because, said the Court, Congress had preempted the field. Attorneys general from several of the States last year came to Washington, to testify how the Supreme Court's decision in the Nelson case had completely frustrated their previously effective efforts against the Communist conspiracy within their States. The attorney general from the State of Massachusetts testified that as a result of this decision 15 Communists against whom action had been taken by the State had to be let loose and allowed to go ahead with their subversive activity. The situation outlined by the testimony of these several attorneys general of sovereign States was so threatening that the senior Senator from New Hampshire was moved to observe that if the Communist threat should become more serious in his State, the people would have to take the law into their own hands.

On April 9, 1956, 1 week later, we had to recoil in our deliberations when the Supreme Court, in the Slochower case, drew the circle even tighter, by holding that municipal authorities could not take action to get rid of Communist professors who defied a legally constituted body when they had an obligation to speak, and by such flagrant misconduct scandalized the mothers and fathers who entrusted their children to the care of the city. New York City had to reinstate some of these teachers and give them back pay, and Professor Slochower himself drew an indemnity of $40,000, because of the consequences of this highly arbitrary and erroneous decision of the Supreme Court. One has only to read the brief filed with the Supreme Court by New York City, in its quest for reargument, to realize the recklessness of the Supreme Court's decision in that case. In its decision the Court put forth a conclusion to support its findings which conclusion New York City convincingly shows was not supported by the record. Not only was it not supported by the record, but the corporation counsel of the city of New York irrefutably showed that the very opposite conclusion was the fact. But the Supreme Court was unmoved.

Then, on April 30, 1956, having demolished the legislative power of the States in the field of subversion by its decision in the Nelson case, and having crippled the power of the municipalities to rid themselves of subversive employees by its decision in the Slochower case, the Supreme Court completed the circle by dealing a devastating blow to the efforts of the executive branch of the Federal Government in this field, in the case of the *Communist Party* v. *The Subversive Activities Control Board.* Let us, for a minute, analyze the significance of that situation. Six years earlier, after years of serious analysis and study, Congress had codified existing legislation bearing on subversion, and had passed, by an overwhelming majority, the Internal Security Act of 1950, which reflected the will of the people of the United States. One of the most elementary aspects of that act was that if organizations are shown by the evidence to be subversive, they must register and come under the sanctions of the law. Shortly after the enactment of the Internal Security Act the Communist Party refused to register. The Communist Party is the very prototype of existing subversive organizations in the United States, and it should be obvious to the most unsophisticated and to the most unobserving that the Communist Party is, in fact, a subversive organization. In hearings before the Subversive Activities Control Board, which took years, the Justice Department put into the record reams of evidence to prove legally this patent conclusion. Then the Supreme Court ruled that because the Communists charged that testimony of three of the hundreds of sources of evidence was tainted the case must go back for reassessment.

What a spectacle we must appear to the world. Every peasant in China, every worker in Singapore, every farmer in Europe knows that the Communist Party seeks to overthrow, not only the United States Government but every remaining free government of the world. The executive branch of our own Government has spent 6 years proving that very obvious conclusion, and then the Supreme Court tells them they have to send it back to the starting place on a purely procedural point, but with perhaps 2 years or more of further delay involved. What a travesty. What must this do to our prestige abroad? This presents us before the bar of world opinion as a nation of credulous fools, living in a dream world of unreality. Obviously, observers in other countries must think these Americans are people who can be putty in the hands of the Communists.

Well, those decisions of the Supreme Court were a year ago. This year the Court made a lot more law.

I have been talking about what the Court did last year in the field of communism and subversion. Before we look at the Court's major decision in that field this year, let us consider for a moment the Court's decision this spring changing the established law of wills and trusteeships. Here is a description of the will of Stephen Girard, as contained in the opinion of Judge Lefever of the Philadelphia orphans court:

> The will of Stephen Girard has become a legend in Pennsylvania and in the United States. The number of times Gerard's will and Girard College are referred to in the books is legion. The will is mentioned in every leading treatise on trusts. Girard's will and the basic decision sustaining it are cited

as illustrative of the doctrine of charitable trusts in America. The principle therein established, that a testator may dispose of his private property for the benefit of any class he may select, is firmly imbedded in the laws of this country.

Girard died in 1831. He left most of his estate to a perpetual trust which was directed to set up and maintain a school for poor, white, orphan boys between the ages of 6 and 10. The mayor, aldermen, and city of Philadelphia were named as trustees. Since 1870, the will has been administered by the board of directors of city trusts. The orphans' institution created by the will was never administered by the city in its governmental or sovereign capacity. It was administered originally by the mayor, aldermen, and councils, and subsequently by an independent agency created by the legislature solely in the capacity of a fiduciary or trustee, governed, bound, and limited by the directions and provisions of Girard's will.

The will contained a protective clause, asserting that most of the estate would be forfeited to the United States, if its moneys were used by the city of Philadelphia and the Commonwealth of Pennsylvania in any other way than Girard has specified. Recently, an attempt was made to require the orphanage to accept Negroes. The Pennsylvania courts held that this was impossible, since Girard had expressly stated that his money was to be used only for poor white orphan boys. Attorneys for the Negroes asked the United States Supreme Court for a writ of certiorari. Attorneys for the trust opposed the writ.

There was no argument whatever on the merits of this case. Nevertheless, the Court took jurisdiction on the merits, and in a five-and-a-half-line per curiam opinion reversed the decision of the Pennsylvania Supreme Court.

Attorneys for the trust filed a learned and lengthy brief asking for reconsideration and an opportunity to be heard on the merits. Here are some passages for that brief:

Appellee has in effect been silenced before it could utter a word or submit an argument in defense of the conclusion reached by the judges of the Supreme Court of Pennsylvania and of one of the Commonwealth's finest lower courts.

The State courts decided the matter only after all sides of the question had been presented in full. This Court has reversed the judgment of the highest court of Pennsylvania, without permitting it to be defended, on issues which, it is submitted, are of the utmost significance. Appellee cannot find a single precedent for such a result.

Appellee believes that in the history of this Court it is the first party to have had its case reversed without a hearing on the basis of a new approach to fundamental constitutional law.

If it is a denial of equal protection of the laws for a trustee to refuse to make available to a Negro the property in trust for whites, it is just as much a denial of equal protection of the laws for the same trustee to refuse to make available to a Methodist property in trust for Catholics. If 2 Negro boys have standing to sue in order to claim the facilities of a trust for white boys, then 2 Methodist boys have standing to sue to claim the facilities of a trust for Catholic boys, or 2 gentiles have standing to recover the proceeds of a trust for Jews.

In the face of all this, the Supreme Court of the United States curtly refused the appellees' plea to be heard. The decision stands. As I have indicated, it may cause the trustees to turn Girard's money over to the United States, and hence destroy this century-old orphanage. Trustees of similar institutions throughout the country are in a state of apprehension as a result of this decision.

Mr. President, why did the members of the United States Supreme Court refuse even a hearing in this all-important matter? Were they afraid of the facts it might develop? Did they know in their own hearts that they could not defend their own original decision, in the face of argument by competent attorneys?

Let us now consider what the Court has done to make things easier for the criminal. Last year, in the United States, there was a major crime committed every 12.3 seconds. Every 4.1 minutes there was a murder, a manslaughter, a rape, or an assault to kill. Every 26 minutes there was a rape.

J. Edgar Hoover, Director of the Federal Bureau of Investigation, has stated that there were an estimated 2,563,150 major crimes committed in 1956, which is an increase of 300,700 over 1955. According to Mr. Hoover, last year was the first year in our history in which crimes climbed over the 2½ million mark. Since 1950, crimes have increased almost 4 times as fast as the population.

One of the men who contributed to this sickening total is a resident of the District of Columbia, named Andrew R. Mallory. On April 7, 1954, he was accused of raping a defenseless woman who was trying to do the family washing in the cellar of her apartment house. Mallory was convicted. His conviction was upheld in the court of appeals.

The conviction was reversed and remanded by the United States Supreme Court, in a unanimous opinion written by Mr. Justice Frankfurter, which referred tenderly to this rapist as a "19-year-old lad." The Court did not find Mallory innocent. It did not suggest there was any doubt about his guilt. The Court simply made a new rule, an arbitrary and technical rule, denying police the right to question a suspect before arraignment; and because the police had questioned Mallory—incidentally, they got a confession from him—the Supreme Court ordered him granted a new trial. Remember, there was no question of third degree here. Nobody even so much as charged the police with getting rough with this self-confessed rapist.

The Court was not, in fact, protecting Mallory's rights; it was demonstrating its power to discipline the police for what the Court appeared to feel was not sufficiently technical compliance with the spirit of the new rules the Court had made earlier in the McNabb case.

So, Mallory walked out of jail a free man, who may commit yet another rape in yet another cellar if it suits his fancy. The Court ordered a new trial, but the Court must have known, as United States Attorney Gasch pointed out in dismissing the case, that the wording of the Supreme Court's opinion made it practically impossible to prepare the case for retrial with any reasonable hope of conviction.

The freeing of Mallory was not the only result of the Court's action. The Washington Evening Star quoted Assistant Attorney General Warren Olney, Chief of the Justice Department's Criminal Division, as having stated that the Mallory decision "clearly demonstrates that a great many very serious crimes will go unpunished, not because the truth cannot be ascertained, but because of the procedures that have to be followed to develop the facts."

According to the Star, Mr. Olney said the Court is supposed to have its judgment rest on the best truth it can get, "but the Court will not listen to the truth for reasons that have nothing to do with the guilt or innocence of the defendant."

Mr. President, let me read those words again. The Supreme Court of the United States, the top of the whole Federal judicial structure, a coordinate part of our three-part constitutional government, "will not listen to the truth."

I continue to quote the Evening Star:

"This opinion," Mr. Olney said, "says in so many words that police can't question a suspect after his arrest. The place where the impact of this decision will be greatest is in the gangster crimes. It is the real hardened professional criminals who will take advantage of this. The housewife who shoots her husband usually confesses to the first person who comes along. This decision won't affect her.

"But when dealing with criminal groups, police will be unable to question the hirelings who are caught first about the higherups they want to reach."

That is what the head of the Justice Department's Criminal Division said, according to the Star. And the same newspaper continued:

A proponent of the decision analyzed it this way:

Police can question people if they want to be questioned as long as they are free agents. A suspect can be brought to headquarters and questioned as long as he is free to walk out at any time. But as soon as he is under arrest, it is unreasonable delay in arraigning him if police use any time to make a case against him.

Note that this analysis of the decision is given by someone described as "a proponent." What does it mean?

It means that a suspect cannot be questioned before his arrest unless he agrees, and if he is arrested he cannot be questioned afterward.

I continue to quote the Star:

Chief Murray cited the rape-murder of an 8-year-old Northeast girl where 30 detectives have been at work rounding up possible suspects. Over 1,000 people have been questioned in the crime.

"What good will it do to bring in a good suspect, question him and get a confession if this decision stands?" he asked. "This decision says he must be arraigned immediately and not questioned after we arrest him."

How many more 8-year-old girls will be raped in 1957 because the United States Supreme Court was so zealous a protector of Andrew Mallory's rights as an individual? How much faster will the crime rate in the whole United States

increase this year, because "the Court will not listen to the truth?"

That is what attorneys for the Girard Trust were also saying, was it not, that the Court "would not listen to the truth?"

Now let us get back to the matter of the Court's decisions this year in Communist cases. Let us see what the so-called "Warren Court" has done to confuse, disarm, and paralyze the people in their fight to defend themselves against the world Communist conspiracy.

Let us look at the decision in the Jencks case. Clinton Jencks was a Communist official of the Communist-dominated Mine, Mill, and Smelter Workers, who was convicted of falsely swearing on a Taft-Hartley affidavit that he was not a member of the Communist Party. For years, top Communist attorneys strained every nerve on his behalf, under the leadership of Nathan Witt, who had himself been a key figure of the Red underground in America's Government. One of the witnesses against Jencks was Harvey Matusow, who had sworn he knew Jencks as a Communist. When Matusow made his famous recantation, in which he called himself a liar for having testified that certain Communists were Communists, the Subcommittee on Internal Security made a thorough investigation of the whole matter. We learned that the so-called recantation had actually been "cooked up" by Red attorneys Witt and John T. McTernan before Matusow knew about it himself. We learned that Matusow, in a private, tape-recorded conversation with his Communist publisher, Albert Kahn, had said this about Jencks:

> It made him no less a Communist because he put a piece of paper down and said, "I'm no longer a member." As far as I was concerned, Jencks was still under Communist Party discipline.

Nevertheless, a month later Matusow made his affidavit of recantation.

Jencks' conviction was affirmed by the Fifth Circuit Court of Appeals. In his trial, it had been shown that some of the witnesses against him were Government undercover men, who reported to the FBI on Communist activities. Counsel for Jencks asked that the FBI be requested to produce confidential reports of these agents so that the court could examine them to see if they might be useful to the defense in cross-examining the witnesses.

In other words, Jencks' attorney asked only that the documents be presented to the court. The trial judge denied this request and the Court of Appeals upheld the judge. But the Supreme Court went even further than Jencks' attorneys themselves had gone in their request. The Court, through Justice Brennan, said in effect that Jencks could paw through the FBI files to his own satisfaction, without any interference from a judge. The attorneys asked only that the court be allowed to examine the files, but the Supreme Court said, "Let the defendant go through them ad lib."

Here are Judge Brennan's words:

> The practice of producing Government documents to the trial judge for his determination of relevancy and materiality, without hearing the accused, is disapproved. Relevancy and materiality for the purposes of production and inspection, with a view to use on cross-examination, are established when the reports are shown to relate to the testimony.

Mr. President, what else is the Court saying there, if it is not saying this:

> We can trust Communists. We can trust criminals. But we cannot trust the trial judges of our own Federal bench.

Every Senator knows the dismay this ruling caused to the whole investigating and prosecuting apparatus of the Federal Government. Every Senator knows that the Attorney General had to come before us immediately, asking for legislation to keep traitorous and criminal hands out of FBI files. Incidentally, that proposed legislation is held up today because the ADA lobby is trying to have it amended so that instead of protecting the FBI files, it will become legislative authority for opening them up to any defendant.

Now, let us consider the case of the 14 California Communists, otherwise known as Yates et al. against United States.

Oleta Yates, William Schneiderman, Al Richmond, Philip Connelly, and the rest of the 14 are leaders of the California Communist Party. They were convicted of violating the Smith Antisedition Act by conspiring "first, to advocate and teach the duty and necessity of overthrowing the Government of the United States by force and violence; and, second, to organize, as the Communist Party of the United States, a society of persons who so advocate and teach, all with the intent of causing the overthrow of the Government by force and violence as speedily as circumstances would permit."

The Court majority, through Justice Harlan, substituted itself for the jury and ordered 5 of the defendants acquitted on the facts; and decreed new trials for the 9 others. Justices Black and Douglas said they should all go free. This is what the defendants themselves said about the decision, as reported by the Daily Worker for June 18, 1957:

> This decision is the beginning of the end of the Smith Act.

Good Americans agree with the Daily Worker's conclusion. For Justice Harlan's opinion did two things. It accepted the Communist theory of a statute of limitations, which I will explain in a moment; and it accepted the Communist theory of abstract violence, which might well have been proclaimed by Lewis Carroll, or his Red Queen.

The Communists said that "organize" means "to establish, found, or bring into existence." They said that their party was organized in 1945. The defendants were not indicted until 1951, and the 3-year statute of limitations had therefore run. The Government charged that "organize" meant "the recruiting of new members, forming of new units, regrouping or expansion of existing clubs, classes," and so forth. Justice Harlan, with a majority of the Court, held that the Communist version was correct.

Of course, the organizing clause of the Smith Act is destroyed by this finding.

What about the new doctrine of "abstract" violence? The Harlan opinion suffocates the reader here with layer upon layer of soft, cobwebby words. When the layers are brushed aside, this appears to be the meaning of the Court.

It is perfectly legal to advocate and teach and conspire with others for the overthrow of the Government of the United States by force and violence, so long as none of you does a violent act and the future date of the revolution is not fixed and thus remains "indefinite." And it is all right to seek to incite others to specific violence against the Government, so long as you do not succeed in getting them to do anything violent. In other words, only successful revolutionists can be punished.

Justice Clark, in his dissent from the Jencks decision, made this comment:

> I agree with the court of appeals, the district court, and the jury that the evidence showed guilt beyond a reasonable doubt. In any event, this Court should not acquit anyone here. In its long history, I find no case in which an acquittal has been ordered by this Court solely on the facts. It is somewhat late to start in now usurping the functions of the jury.

In the Watkins case, the Court struck a devastating blow at the power of Congress to inform itself.

Mr. President, in 1933 the Federal Government employed about half a million persons. The annual budget totaled only about $4 billion. And there were then, as there are today, 96 Senators.

In 1957, the Federal Government employs about 2½ million persons. The annual budget totals about $70 billion. But there are still only 96 Senators.

The Federal establishment has engulfed the Congress, to the mortal danger of our Government's constitutional balance. Congress, today, appropriates only about 1 percent of total appropriations for its own purposes. The other 99 percent goes elsewhere.

It is physically impossible today for Members of Congress to keep currently informed about the other branches of Government. To preserve the constitutional balance, to turn back the tide of engulfment, Congress has resorted more and more to the use of investigating committees, staffed by professional personnel. Investigating committees also are used more and more to study facts as a basis for legislative activity.

But in the Watkins case, the Supreme Court has dealt this committee function a body blow by making it possible for reluctant witnesses to stop an investigation in its tracks.

Watkins appeared as a witness before the House Committee on Un-American Activities. The committee was investigating Communist infiltration in labor unions. Two persons had stated under oath that Watkins, a labor union official, had helped to recruit them into the Communist Party.

Watkins denied that he had ever been "a card-carrying member of the Communist Party." He acknowledged, however, that he freely cooperated with the party. He identified some persons as Communists. But he refused to give identifications, either positive or negative, regarding certain others. He did

not plead the fifth amendment as a basis for this refusal. He simply challenged the committee's jurisdiction, saying: "I refuse to answer certain questions that I believe are outside the proper scope of your activity." As a result of this refusal he was found guilty of contempt of Congress. The full bench of the court of appeals affirmed the conviction. The Supreme Court set it aside, in an opinion written by the Chief Justice.

The Chief Justice, in his opinion, attempted to justify the new judge-made law enunciated there with an important misstatement of fact. I shall quote the Chief Justice, because what he said was an untruth. Purporting to give a review of the Congressional investigating function, he said:

> In the decade following World War II, there appeared a new kind of Congressional inquiry unknown in prior periods of American history. Principally this was the result of the various investigations into the threat of subversion of the United States Government, but other subjects of Congressional interest also contributed to the changed scene.

Mr. President, I am still quoting the Chief Justice of the United States, who based his decision on a misstatement of fact. He said:

> This new phase of legislative inquiry involves a broad-scale intrusion into the lives and affairs of private citizens.

This is a false statement. The entire Franklin Roosevelt era was awash with investigations constituting intrusion into the lives and affairs of private citizens.

There was an investigation in which bankers and businessmen were required to tell how much they had paid in personal income taxes, in the course of which, a circus midget was bounced onto the lap of the late J. P. Morgan.

There was an investigation which made the most searching personal inquiries into American industries, under the pretext that it was examining the munitions traffic. The counsel in this instance was a young man named Alger Hiss, who nosed his way among America's industrial secrets as an agent for the Soviet underground.

There was a ruthlessly brutal investigation by the La Follette Civil Liberties Committee, which made a mockery of justice in its effort to discredit American employers as a class. Counsel for this body was John Abt, who with Hiss, Lee Pressman, Nathan Witt, and others had helped establish the original Communist underground in our Government. Senator La Follette himself disowned this committee staff because it was under Communist domination.

There was an investigation whose chairman ordered the Postal Telegraph and Western Union companies to comb their files for all wires which smacked of high-pressure lobbying methods, and subpenaed the complete telegraphic correspondence of more than 1,000 specified persons and groups. The "bag" for this broad-scale intrusion into the lives and affairs of private citizens totaled 5 million telegrams. The man who seized them was a Senator named Hugo L. Black. A few weeks ago, as a Supreme Court Justice, he joined Chief Justice Warren in deploring the tendency of committees to intrude into private matters by having the effrontery to ask Americans if they were a part of a treasonous conspiracy.

Mr. President, the opinion of the Chief Justice in the Watkins case makes it clear that Mr. Warren does not even know the history of the House Committee on Un-American Activities. This committee did not come into existence after World War II. It was founded in 1938 to dig out the Reds who were crawling into the wood all over Washington. And it was preceded by other Senate and House committees, which began investigating Red subversion only a year or two after the 1917 Bolshevik revolution.

Worse than its misstatement of facts is the holding by the Court in the Watkins decision that a committee must explain the pertinency of a question to the understanding of a witness before he may be required to answer it. The effect of this was immediate. At the very next hearing of our Subcommittee on Internal Security, witnesses used the Watkins decision as a blueprint of how to avoid answering legitimate questions. They made it clear that hereafter, unless Congress can find a way to reassert its independence, any witness, at any time, can switch any investigation onto a siding by telling his interrogator, as Watkins did, that the question is not relevant, or by the simple device of playing dumb and claiming not to understand why a question is pertinent.

This severely cripples, if it does not wholly smash, the Congressional power to investigate. By doing so, it multiples the danger of constitutional imbalance which I have already discussed.

On one of the last Red Mondays of the current term, the Court laid more bricks on the evil foundations it had laid in the Watkins case, setting aside the contempt of Congress convictions of Harry Sacher, Abram Flaxer, Lloyd Barenblatt, and four Ohioans who had been found guilty of contempt of the Ohio Un-American Activities Commission. It also set aside an Ohio Supreme Court order against Anna Morgan, who refused to answer 37 questions about her Communist activities, which the Ohio commission had asked her. At the same time the Court laid more bricks on the evil foundations it had laid in the Yates case, by setting aside the convictions of six Detroit Communists for violation of the Smith Act.

Use of the Watkins decision as a basis for reversing the contempt conviction of Harry Sacher has some interesting angles.

Having freed and protected a Communist who insulted a committee of the House, the Court used that action as precedent for doing the same for a man who insulted a committee of the Senate. Harry Sacher was the instrument for its purpose.

Sacher was chief of the notorious group of Communist hecklers-at-the-bar, who spent so many months trying to break the spirit of Judge Medina, and thus create a mistrial in the Smith Act prosecution of 11 top Communist leaders. The Supreme Court's action in setting aside his conviction for contempt of the Senate Subcommittee on Internal Security amounts to an insult to the Senate, for reasons which I shall explain.

Sacher's contempt was calculated, cold blooded, and delivered with a maximum of Marxist insolence. Let me read some passages from the subcommittee record:

> Mr. SOURWINE. Mr. Chairman, among the measures under consideration by this committee is proposed legislation for the purpose of fixing additional standards with respect to the practice of law in the Federal courts. Among the suggestions for inclusion in such legislation is one which would prohibit members of the Communist Party from practicing in Federal courts. It is germane to the consideration of such legislation to inquire into the circumstances involving the practice of law in Federal court by persons who are Communists and by persons who are defending Communists. I believe that the inquiries made here and other inquiries which have been made and which will be made in this Matusow case have bearing upon the legislative problem now pending before the committee.
>
> Mr. SACHER. I would like to be heard, Mr. Chairman, if I may.
>
> Senator MCCLELLAN. The Chair thinks that you should lay a foundation for that first by asking the witness if he is a member of the Communist Party, if he has ever been, and so forth.
>
> Mr. SOURWINE. Are you, Mr. Sacher, a member of the Communist Party, USA?
>
> Mr. SACHER. Mr. Chairman, I have been called here because of my representation of the defendants in United States against Flynn on a motion for a new trial on the ground that Harvey Matusow committed perjury in their trial. I have answered and am prepared to answer all questions concerning my participation in that case. I refuse. I refuse categorically, Mr. Chairman, to discuss my beliefs, religious, political, economic, or social. I do not do so on the ground of the fifth amendment. I do so because it is inconsistent with the dignity of any man to be compelled to disclose his political, religious, economic, social, or any other views. And I respectfully submit that an inquiry to me concerning this matter is not pertinent to anything with which this committee is concerned, and is not relevant to any inquiry that may properly be made of me. And I therefore decline on the ground that I cannot with any regard for my own self-respect, do otherwise, Mr. Chairman.
>
> Senator MCCLELLAN. Well, the Chair does not think that it is beneath the dignity of a good citizen of the United States to answer a question as to whether he is a member of an organization that seeks the overthrow of this Government by force and violence; and, therefore, the Chair propounds to you now the question, Are you now a member of the Communist Party of the United States?
>
> Mr. SACHER. Mr. Chairman, medieval inquisitors also thought there was no impropriety in asking those whom they regarded as heretics to answer the question.
>
> Senator MCCLELLAN. The Chair does not care for a lecture. The Chair asked you a question.
>
> Mr. SACHER. And I decline to answer that question, Mr. Chairman.
>
> Senator MCCLELLAN. The Chair orders you to answer the question.
>
> Mr. SACHER. I decline to answer that question on the grounds I have already stated.
>
> Senator MCCLELLAN. The Chair asks you another question. Have you ever been a member of the Communist Party of the United States?
>
> Mr. SACHER. I respectfully submit, Mr. Chairman, that my conscience dictates to

me that I shall not, under your compulsion or anybody else's compulsion, make any disclosure of any of my beliefs, political, religious, economic, or social, past or present, and I decline to answer your question.

That record is utterly unequivocal. Sacher was asked certain questions. He was told the legislative purpose of the questions. He was ordered to answer them. He refused to do so, without invoking any constitutional protection whatsoever.

And the Supreme Court of the United States reached down and gave him a pat on the back, by a per curiam decision which did not refer to a word of the record I have just read.

Now we come to the case of Raphael Konigsberg against the State Bar of California and the Committee of Bar Examiners of the State Bar.

Konigsberg was for years a Communist hack of the shabbiest type.

The 1949 report of the California Committee on Un-American Activities listed him among "notorious Stalinists who have consistently followed the twists and turns of the Stalinist line." It said he was one of those with a long record of duplicity and betrayal of the interests of labor, minority, and liberal groups, whom they attempt to speak for with typical Stalinist affrontery. "Particularly callous," according to the report, "was their betrayal of Jewish victims of Nazi persecution during the Hitler-Stalin pact"—page 477.

In 1955 Konigsberg appeared before the House Committee on Un-American Activities.

Here are some samples of his testimony:

Mr. KONIGSBERG. I want to say I have no intention of giving you any information in the area in which you proclaim you are investigating.

And—

Mr. KONIGSBERG. Mr. Chairman, any question you ask is either relevant or irrelevant. If it is irrelevant, then under the Supreme Court decision a citizen is not required to answer and if it is relevant it would be incriminating.

During the hearings documentary proof was put into the record to show that Konigsberg was a salaried employee of a Communist camp for children.

Despite his unspeakable record, Konigsberg had the gall to apply for admission to the California bar. He appeared before the committee of bar examiners, which was required to make an affirmative finding that he was a person of good moral character before it could recommend his admission. Here are some excerpts from the testimony of his first hearing:

Question. Mr. Konigsberg, are you a Communist?

Answer. Mr. Chairman, I would be very glad to answer that question.

Question. If you will answer the question, I would be very happy to have it.

Answer. I would be very glad to answer it if the circumstances were different—that is, when I am faced with a question of this kind or when anyone else is faced with a question of this kind today what he is faced with is the fact that various nameless accusers or informers, or call them what you will, whom he has never had a chance to confront and cross-examine, he is put in a position of answering these statements or accusations or suspicions, and without any of the protections that ordinarily exist in such a situation, and I don't think that I can place myself in that position of having to answer something out in the void, some statement. I know these statements have been made obviously. I am not pretending to be shocked or naive about this. I can say very definitely I did not, I don't, I never would advocate the overthrow of the Government by force or violence clearly and unequivocably, but to answer a specific question of that kind, whether I am a member of this party, that party or the Communist Party, that puts me in the position, whatever the truth is, whether I was or wasn't you would get a dozen informers who would say the opposite, and as indicated by an editorial just 2 or 3 days ago in the Daily News questioning seriously why the word of these informers, these turncoats is accepted unquestionably as against the word of other responsible citizens. Therefore, Mr. Preston, I do not think that under these circumstances, first, yes, I understand that under the law as it is today you may ask me specifically do I advocate the overthrow of the Government by force or violence. I answer specifically I do not, I never did or never will. When you get into the other question of specific views in a political party, it seems to me only the fact, the right of political opinion is protected under the first amendment and is binding on the States. Certainly attorneys ought to be in the leadership of those who defend the right of diverse political views. I think the first amendment is important. I answer again on the specific question of force and violence, I did not, I don't and never would advocate the overthrow of the Government by force or violence.

Question. When answering it you don't intend to give us a specific, categorical responsive answer?

Answer. As I said I would be very happy to if we met out in the hall. I would be glad to answer you, but you see under these circumstances, that is, I am speaking now under oath and I am speaking for the record, I am speaking against, in a sense, whatever evidence that may be in the files—I shouldn't dignify it by calling it evidence; I should say whatever statements may be there from various informers. I have told you about my record both in the Army and in the community. I have been active politically, I admit it. I am proud of it. I would be happy to discuss it. This is the record that I think should be the basis for judgment, not the record of some hysterical characters that appeared before the Tenny committee or any such group.

Question. I am not asking anyone else. I am trying to ask you because you are the one who is seeking admission, the privilege of practicing law in this State. That is the reason I am asking you the question. I made the question very broad, and what I would like you to tell us, if you will answer the question; now, of course, as you well know and you have told me in your answer up to this point, you don't have to answer the question, of course, you don't have to answer the question, but we feel that on a matter of this kind, this kind of information, we have a job to inquire about your character. The statute says character, it doesn't say reputation. The only way I can find out and aid this committee in finding out about your character is to ask you these questions, not what someone else thinks about you, your reputation. That is the reason I have asked the question. Could you give us a categorical answer?

Answer. I can only give you the answer I have given you, and I would be very happy to answer that under other circumstances.

Question. Mr. Konigsberg, I assume that you know that your name has been listed in the public press by witnesses before the Congressional Un-American Activities Committee.

Answer. Yes.

Question. And have been identified by persons who said that you were a member of the Communist Party at the same time they were.

Answer. I saw that report. That is the sort of thing I was referring to a moment ago when I referred to the various accusations.

After this typical display of Communist evasion, a former party member named Mrs. Bennett took the stand, in Konigsberg's presence, and testified that he had attended meetings of the party unit to which she belonged. The bar committee then had a clear obligation to test the veracity of both Mrs. Bennett and Konigsberg. Here are more excerpts:

A lady by the name of Bennett testified here. You heard her testimony. Is there any part of that testimony you wish to deny?

Mr. KONIGSBERG. Well, again, Mr. Chairman, that is the same question. That is a question relating to opinions, beliefs, political affiliations.

Mr. FULLER. It has nothing to do with beliefs.

Mr. KONIGSBERG. It certainly is related to political organizations, political activity, however you choose to describe it.

Mr. FULLER. Do you want to read it again?

Mr. KONIGSBERG. I recall it.

Mr. FULLER. Do you wish to deny any part?

Mr. KONIGSBERG. I wish to say that any questions relating to such political affiliation, which the testimony dealt with——

Mr. FULLER. You refuse to affirm or deny her testimony?

Mr. KONIGSBERG. The committee is not empowered to ask with regard to political affiliations of that type.

In plain decency and commmonsense, the committee refused to certify Konigsberg as a person of good moral character. The State supreme court upheld the committee, by turning down a petition for review. He took his case before the Supreme Court of the United States which reversed the California findings. Justice Black wrote the opinion. He said:

There is no evidence in the record which rationally justifies a finding that Konigsberg failed to establish his good moral character or failed to show that he did not advocate forceful overthrow of the Government. Without some authentic reliable evidence of unlawful or immoral actions reflecting adversely upon him, it is difficult to comprehend why the State bar committee rejected a man of Konigsberg's background and character as morally unfit to practice law. As we said before, the mere fact of Konigsberg's past membership in the Communist Party, if true, without anything more, is not an adequate basis for concluding that he is disloyal or a person of bad character. A lifetime of good citizenship is worth very little if it is so frail that it cannot withstand the suspicions which apparently were the basis for the committee's action.

Mere membership in a continuing world conspiracy which has sought the destruction of the United States for nearly 40 years is no blemish on the character of a man who wants to practice law in the courts of the United States. That is what our highest tribunal has told us, in the plainest words. Justice Harlan could not stomach that. Here is what he said:

1. The record, in my opinion, reveals something quite different from that which

the Court draws from it; (2) this case involves an area of Federal-State relations—the rights of States to establish and administer standards for admission to their bars—into which this Court should be especially reluctant and slow to enter. Granting that this area of State action is not exempt from Federal constitutional limitations, see *Schware* v. *Board of Examiners*, decided today, I think that in doing what it does here the Court steps outside its proper role as the final arbiter of such limitations, and acts instead as if it were a superstate court of appeals.

Something else very ominous—I will not say sinister—emerges from these decisions on Konigsberg and Sacher. As the record of their testimony shows, both these Reds objected to questions about their Communist activity as an unwarranted interference with their political beliefs and associations. This is a familiar party tactic, which has been regularly rejected for the fraud that it is. It was the tactic employed by Professor Sweezy in his refusal to answer questions put to him in a New Hampshire legislative investigation—a refusal which the Supreme Court of the United States this spring upheld, in an opinion which goes so far that it deprives sovereign States of the right even to investigate Communist activity within their borders.

Anyone who can read should know by this time that communism is a continuing worldwide conspiracy, that American communism is subordinate to Soviet communism, and that American Communists are under discipline of their Soviet masters. All three branches of the United States Government have affirmed this to be the fact, in a host of findings and decisions. Consequently, questions about party membership are not questions about beliefs. They are questions about deeds. When a man joins an international organization which seeks to destroy his own country, he is voluntarily performing a conspiratorial act.

This is and always has been the basic issue, since the first rudimentary investigations of bolshevism, which began here 37 years ago. What is the court doing then, when it gives its blessing to the Sachers, and the Konigsbergs, and the Sweezys, who plead that party membership is simply a matter of belief? What else is it doing, if it is not signally an intent to accept that basic Communist fraud when the SACB case returns for final decisions?

Reasonable men may err. If the Court had erred only once or twice in these decisions involving the greatest threat to human freedom which history ever had to look upon, reasonable men could find excuses for it. But what shall we say of this parade of decisions that came down from our highest bench on Red Monday after Red Monday?

The Senate was wrong. The House of Representatives was wrong. The Secretary of State was wrong. The Department of Justice was wrong. The State legislatures were wrong. The State courts were wrong. The prosecutors, both Federal and State, were wrong. The juries were wrong. The Federal Bureau of Investigation was wrong. The Loyalty Review Board was wrong. The New York Board of Education was wrong. The California bar examiners were wrong. The California Committee on Un-American Activities was wrong. The Ohio Committee on Un-American Activities was wrong.

Everybody was wrong except the attorneys for the Communist conspiracy and the majority of the United States Supreme Court.

David Lawrence, in the U. S. News & World Report, had something to say about it all. He called this body needless, twisted, dishonest, pro-Communist law, treason's biggest victory.

That is what it is. That is what it always will remain. That is why we in Congress must fulfill our plain duty and act immediately in the way the Constitution empowers us to act, to repair as much of the damage as we can and prevent even worse damage in the future.

Do not tell me we can do nothing about this matter. Section 2, paragraph 2, in article III of the Constitution of the United States, contains the following provisions:

> The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

There is the power. What are we going to do about it? Those words are hard, firm, and clear as crystal. They could not be diverted, inverted, or subverted even by the double-think and new-speak of a Harvard Law School dean. This is what they say now, in this session, to the Members of the Congress of the United States.

Mr. President, Congress has full, unchallengeable power to pass laws immediately which would deprive the Supreme Court of appellate jurisdiction, both as to law and fact in all matters involving—

First, the purposes, functions, and practices of duly authorized committees of the Congress, including all actions taken by the Congress against witnesses who have committed contempt before its committees;

Second, the purposes, functions, and practices of all agencies of the executive branch of Government, which have been established with the approval of Congress to deal with problems of subversion among employees of the executive branch;

Third, all laws and executive regulations established by the legislatures and executive agencies of the several States, to deal with problems of subversion within their borders;

Fourth, all provisions and regulations adopted by school boards and boards of education to deal with problems of subversion among teachers;

Fifth, all provisions, regulations, and actions of State courts and State boards of bar examiners regarding admission of citizens to the practice of law within the several States.

I will introduce proposed legislation immediately to remove the Supreme Court's appellate jurisdiction in the matters listed above. I beg Senators to consider it speedily.

Mr. President, I now send to the desk a bill to accomplish what I have stated, and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2646) to limit the appellate jurisdiction of the Supreme Court in certain cases, introduced by Mr. JENNER, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. RUSSELL. Mr. President, will the Senator from Indiana yield?

Mr. JENNER. I am glad to yield.

Mr. RUSSELL. The Senator has made an able speech and has rather scathingly indicted the Supreme Court. I may say I share some of the views the Senator has expressed, but I was somewhat surprised to hear the Senator's speech in the light of the vote he cast on part III of the pending bill, which would have caused the Congress, in effect, to ratify all those Supreme Court decisions, and would have authorized and directed the Attorney General of the United States, in the name of the United States, to move to apply all those decisions anywhere if it had not been stricken.

Mr. JENNER. I do not interpret my vote to have that meaning, because so far as I am concerned, as to the civil rights of the people of the United States, I believe in them. My State has provided civil rights for more than 100 years. I have been in public life almost 25 years, and have always sustained that position. Therefore, my vote was in line with my honest belief, which has nothing to do with the remarks I have made with regard to the decisions of the Supreme Court in respect to subversive activities in this country against America by Communists and their agents.

Mr. RUSSELL. As to the decisions of the Supreme Court, for example, I understood the Senator to refer to the California bar examination case.

Mr. JENNER. The Konigsberg case, yes.

Mr. RUSSELL. The decision of the Supreme Court, as I pointed out on the floor of the Senate, created the civil right that any Communist anywhere in this country could be admitted to the bar of any State, whether the State law permitted it or not. Part III of the bill would have authorized the Attorney General to enjoin the bar examiners and to jail them without a jury trial until they issued the license to the Communists.

Mr. JENNER. If I had understood my vote that way, I would not have voted as I did, but that was not my understanding. I related my vote only to civil rights, which we have had in Indiana for more than 100 years.

Mr. RUSSELL. I share the devotion of the Senator to civil rights. I am greatly concerned about the sovereign right of this country under the Constitution to protect itself and endure. The term "civil rights" is a very nebulous term. I am as much in favor of civil rights and constitutional rights as is any other Member of the Senate, but the Supreme Court is grinding out new civil rights every day—or what are called civil rights. I think they are civil wrongs.

Mr. JENNER. If they are, it is our fault, because Congress has absolutely unchallenged power, under the Constitution of the United States, to limit and confine the jurisdiction of the Supreme Court both as to law and as to facts. If we see these dangers, it is our duty to act.

I have introduced a bill relating to the matters I have discussed this afternoon. I invite every Senator's support of that bill. I think there should be immediate hearings, and we should consider and act on the bill before we go home. I think this matter ought to be disposed of one way or the other.

If other civil rights are involved and there is encroachment of the Supreme Court on other civil rights, I would apply the same rule to them. We must balance this power. We are the legislative body. We cannot turn over to the judicial branch the power to make judicially made law. We are only 96 Senators. We cannot cope with 2½ million Federal employees and billions of dollars. We must use what power we have; and we have power to do whatever it is necessary to do, if we wish to exercise it.

Mr. RUSSELL. Undoubtedly we have the right to define the jurisdiction of the Supreme Court, and I think the Supreme Court's jurisdiction should be limited in some of the fields in which it is now moving. But as I undertook to point out, part III of the bill would have approved of every one of what the Supreme Court said were civil rights, for fifth-amendment Communists, for those who were refused licenses to practice law, and for others in other fields, including the striking down of the Pennsylvania statutes, which destroyed the State's rights, and created a special right for a Communist. The Supreme Court created a civil right, and it did it by judicial law. Congress did not enact a law. The Supreme Court created the right by judicial law. There are many other recent cases involving invasion and usurpation of the legislative prerogatives of the Congress by the Court.

Mr. JENNER. I agree.

Mr. RUSSELL. The point I make is that part III would have ratified and sanctioned every decision handed down by the Court establishing new and unusual civil rights for Communists and others and special civil rights for groups of citizens which the Court in other days had determined not to exist. It would have authorized the Attorney General to proceed in the very harsh manner defined in part III, to destroy the structure of local government throughout the land, and prevent the States and subdivisions from protecting themselves against fifth-amendment Communists and to annul local laws upheld as constitutional for nearly a hundred years by some of our greatest justices.

In connection with the New York case, New York City had an ordinance which provided that no person who invoked the fifth amendment should have the civil right to teach school in New York. The court of appeals of the State of New York affirmed that denial of a civil right to a fifth-amendment-taker to teach school. The Supreme Court said that was all wrong, and that he must be permitted to teach school. Under part III of the bill that decision could have been applied everywhere in the country. The Attorney General would have had the duty of applying it everywhere in the country, and of compelling any school board to accept such people, whether it wanted to do so or not.

In other words, the Supreme Court decision gave the fifth-amendment-taker a right which was superior to that of the board of trustees, and superior to the wishes of the parents of the children being instructed.

I was happy when part III was stricken. This action indicated that the United States Senate refused to put its stamp of approval upon the phony, fictitious civil rights which the Supreme Court is grinding out, in derogation of the legislative power of Congress, the rights of the States and of local self-government.

Mr. JENNER. From what the Senator from Georgia says, I presume he will support the bill which I have just introduced.

Mr. RUSSELL. I shall study it very carefully; and if it limits the invasion by the Supreme Court of the power of Congress to legislate, it will certainly have my support.

Mr. JENNER. I thank the Senator from Georgia.

IMPORTATION OF RESIDUAL OIL

During the delivery of the speech of Mr. JENNER,

Mr. REVERCOMB. Mr. President, I ask unanimous consent that the Senator from Indiana may yield to me very briefly so that I may make a statement on another subject.

Mr. JENNER. I am glad to yield to the Senator from West Virginia for that purpose, provided that by doing so I do not lose my right to the floor and that his remarks will be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. REVERCOMB. Mr. President, I have listened with a great deal of interest to the able presentation by the Senator from Indiana of his viewpoint on an important subject.

Mr. President, I have noted the increasing concern shown by some of the Members of Congress over the constant rise in oil imports. It is clearly evident that these imports have reached such proportions as to constitute a grave threat to domestic oil developments.

I should like to point out that the ever-increasing flood of residual fuel oil from foreign sources also constitutes a serious threat to the coal industry—an industry that is vital to our national security.

Residual oil imports have been seriously impinging upon coal's east coast markets since the end of World War II. In 1949 incoming shipments of this fuel amounted to 74 million barrels, which is the equivalent of about 18½ million tons of coal. In 1956 residual oil imports amounted to 162 million barrels, an energy equivalent of almost 39 million tons of coal. These imports are still increasing at an alarming rate.

Needless to say, coal's loss of markets to residual fuel oil, which can be dumped into United States markets at whatever price is necessary to undersell coal, has cost both miners and railroaders their jobs. The loss in revenue to the bituminous industry and to the railroads is staggering.

We know quite well that, in the event of another war, the United States would have to depend upon coal to supply not only its normal markets, but also to fill the void left by the blockading of fuel from abroad and the diversion of domestic oil to meet more essential purposes of the war effort. The coal industry is running about 5 million tons below 1956 production and cannot withstand any further invasion of its markets if the industry is to meet increased fuel requirements in a national emergency.

The situation, in my judgement, is critical. In the interest of national security action should be taken promptly. Unless the Administrative Department of our Government moves to enforce the provisions of the defense amendment of the Reciprocal Trade Agreement Act extension of 1955, I feel that national security requirements make it imperative that Congress enact quota limitations on oil imports and that we proceed to do this at once, unless the situation is remedied.

I desire to express my deep thanks to the able Senator from Indiana for yielding to me at this time.

Mr. JENNER. I thank the Senator from West Virginia.

BIOGRAPHIES OF FEDERAL JUDICIAL OFFICIALS IN THE SOUTH

Mr. JAVITS. Mr. President, earlier in the debate upon the civil-rights bill, I discussed the birthplace, education, residence, and environment of the judges, marshals, and United States attorneys of the courts in the South. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks brief biographies of all those officials, which show that the overwhelming majority, with very few exceptions, were born in the South, educated in the South, and had complete life environment in the South. I shall refer to that subject in my address on the bill on Monday. I wish to have the information available for the perusal of Senators over the weekend.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BACKGROUND OF UNITED STATES ATTORNEYS AND MARSHALS IN THESE SOUTHERN STATES: ALABAMA, ARKANSAS, FLORIDA, GEORGIA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, TENNESSEE, TEXAS, AND VIRGINIA

Out of a total of 56 attorneys and marshals in the South, 43 of these men are natives of the States in which they serve.

Of the remaining 13 men, 9 were born in the South and educated in the South. Of the 4 who were not born in the South, 2 of these men were educated in the South.

Only 2 men out of the 56 were neither born nor educated in the South.

ALABAMA, NORTHERN

United States attorney: William L. Longshore, born January 31, 1892, at Columbiana,

Ala. Education: 1907–10, Howard College, Birmingham; 1911–13, University of Alabama, bachelor of laws. Bar: 1913, Alabama. Appointed March 19, 1956.

United States marshal: Pervie Lee Dodd, born May 10, 1903, at Nauvoo, Ala. Education: 1922, University of Alabama. Appointed August 5, 1953.

ALABAMA, MIDDLE

United States attorney: Hartwell Davis, born December 18, 1906, at Auburn, Ala. Education: 1923–24, University of Florida; 1925–28, Alabama Polytechnic Institute, B. S. degree; 1929–30, University of Virginia Law School; 1930–31 Emory University, bachelor of laws. Bar: 1931, Alabama and Florida. Appointed June 9, 1953; reappointed June 13, 1957.

United States marshal: Charles S. Prescott, born June 7, 1895, at Wedowee, Ala. Education: 1911–15, Randolph County High School, Wedowee, Ala. Appointed August 4, 1954.

ALABAMA, SOUTHERN

United States attorney: Ralph Kennamer, born August 4, 1910, at Guntersville, Ala. Education: David Lipscombe Junior College, Nashville; 1932–35, University of Alabama, bachelor of laws. Bar: 1935, Alabama. Appointed February 7, 1956, by the court; April 25, 1956, by confirmation.

United States marshal: James L. May, born June 1, 1891, at West Bend, Ala. Education: 1903–08 Jackson, Ala. Agricultural College. Appointed July 17, 1953; reappointed June 13, 1957.

ARKANSAS, EASTERN

United States attorney: Osro Cobb, born May 8, 1904, at Hatton, Ark. Education: 1919–25, Henderson State Teachers College, bachelor of arts and bachelor of science; 1926–29, Arkansas Law School. Bar: 1929, Arkansas. Appointed December 2, 1953, by recess; March 6, 1954, by confirmation.

United States marshal: Richard Beal Kidd, born November 19, 1915, at Choctaw, Ark. Education: 1940, Draughon's Business College, Little Rock, Ark. Appointed July 31, 1953; reappointed July 2, 1957.

ARKANSAS, WESTERN

United States attorney: Charles W. Atkinson, born September 19, 1912, at Pocahontas, Iowa. Education: 1934, University of Arkansas, bachelor of laws. Bar: 1934, Arkansas. Appointed July 14, 1953.

United States marshal: Jay Neal, born May 16, 1892, at Van Buren, Ark. Education: High-school graduate. Appointed August 21, 1954.

FLORIDA, NORTHERN

United States attorney: George H. Carswell, born December 22, 1919, at Irwinton, Ga. Education: 1937–41, Duke University, bachelor of arts; 1945–48, Mercer University Law School, bachelor of laws. Bar: 1948, Georgia; 1949, Florida. Appointed July 1, 1953.

United States marshal: Emerson F. Ridgeway, born April 27, 1895, at West Point, Ga. Education: 1914, De Pauw University, Greencastle, Ind. Appointed July 31, 1953.

FLORIDA, SOUTHERN

United States attorney: James L. Guilmartin, born November 3, 1917, at Boston, Mass. Education: 1935–41, Harvard University, bachelor of arts; 1942–45, St. John's University, Brooklyn, N. Y., bachelor of laws. Bar: 1945, New York; 1951, Florida. Appointed August 5, 1953.

United States marshal: Thomas H. Trent, born January 4, 1892, at Roanoke, Ala. Appointed August 16, 1954, by the court.

GEORGIA, NORTHERN

United States attorney: James W. Dorsey, born January 16, 1914, at Atlanta, Ga. Education: 1930–34, Emory University, Atlanta, Ga., bachelor of arts degree; 1935–37, University of North Carolina, bachelor of laws. Bar: 1937, Georgia. Appointed June 9, 1953.

United States marshal: William C. Littlefield, born March 17, 1905, at Dahlonega, Ga. Appointed August 18, 1954.

GEORGIA, MIDDLE

United States attorney: Frank O. Evans, born December 15, 1910, at Gordon, Ga. Education: 1926–30, Washington and Lee University, bachelor of science degree, 1930–33, Mercer University Law School, bachelor of laws degree. Bar: 1933, Georgia. Appointed June 9, 1953.

United States marshal: Billy E. Carlisle, born May 27, 1895, in Harris County, Ga. Education: 1914–17, Alabama Polytechnic Institute. Appointed March 6, 1954.

GEORGIA, SOUTHERN

United States attorney: William C. Calhoun, born April 28, 1919, at Augusta, Ga. Education: 1938–42, University of North Carolina, bachelor of arts degree; 1942–44, University of Georgia, bachelor of laws. Bar: 1944, Georgia. Appointed July 16, 1953.

United States marshal: James F. Brophy, born October 24, 1917, at Rhine, Ga. Education: 1939, Southern Georgia College, Douglas, Ga. Appointed August 12, 1955, by recess; July 3, 1956, by confirmation.

LOUISIANA, EASTERN

United States attorney: M. Hepburn Many, born June 19, 1918, at New Orleans, La. Education: 1938, Washington and Lee University, bachelor of arts; 1941, Tulane University, master of arts; 1950, bachelor of law. Bar: 1950, Louisiana. Appointed August 13, 1956, by the court; August 14, 1956, by recess; March 21, 1957, by confirmation.

United States marshal: Edward J. Petitbon, born December 6, 1909, at New Orleans, La. Education: Samuel J. Peters Boys High School of Commerce, New Orleans, La. Appointed March 6, 1954.

LOUISIANA, WESTERN

United States attorney: Fitzhugh Wilson, born March 14, 1905, at Memphis, Tenn. Education: Tulane University, bachelor of arts and bachelor of laws degrees. Bar: 1928, Louisiana. Appointed July 13, 1953.

United States marshal: Donald C. Moseley, born June 29, 1918, at Pioneer, La. Education: Forest High School, Forest, La. Appointed September 2, 1955, by recess; July 28, 1956, by the court; March 21, 1957, by confirmation.

MISSISSIPPI, NORTHERN

United States attorney: Thomas R. Ethridge, born May 2, 1918, at West Point, Miss. Education: 1936–40, University of Mississippi, bachelor of arts; 1946, bachelor of laws; 1951, master of arts. Bar: 1946, Mississippi. Appointed March 17, 1954.

United States marshal: John W. T. Falkner IV, born January 25, 1911, at Oxford, Miss. Education: 1934, University of Mississippi, bachelor of laws. Bar: 1934, Mississippi. Appointed April 10, 1947; reappointed April 19, 1951; reappointed March 2, 1956.

MISSISSIPPI, SOUTHERN

United States attorney: Robert E. Hauberg, born November 20, 1910, at Brookhaven, Miss. Education: 1928–30, Millsaps College; 1930–32, Jackson, Miss., School of Law. Bar: 1932, Mississippi. Appointed December 30, 1953, by recess; March 4, 1954, by confirmation.

United States marshal: Rupert H. Newcomb, born August 28, 1913, at Pineville, Miss. Education: 1937, University of Mississippi, bachelor of arts. Appointed February 28, 1948; reappointed June 11, 1952.

NORTH CAROLINA, EASTERN

United States attorney: Julian T. Gaskill, born July 7, 1903, at Sea Level, N. C. Education: Wake Forest College, bachelor of arts; Wake Forest Law School. Bar: 1927, North Carolina. Appointed December 2, 1953, by recess; March 4, 1954, by confirmation.

United States marshal: B. Ray Cohoon, born February 14, 1892, at Columbia, N. C. Education: John Graham Academy, Warrenton, N. C. Appointed April 7, 1954.

NORTH CAROLINA, MIDDLE

United States attorney: Edwin M. Stanley, born March 9, 1909, at Kernersville, N. C. Education: 1926–31 Wake Forest College, bachelor of laws. Bar: 1930, North Carolina. Appointed April 7, 1954.

United States marshal: William B. Somers, born December 12, 1896, at Wilkesboro, N. C. Education: Old Wilkesboro, N. C., school. Appointed May 21, 1953; reappointed May 29, 1957.

NORTH CAROLINA, WESTERN

United States attorney: James M. Baley, Jr., born January 23, 1912, at Greensboro, N. C. Education: University of North Carolina, bachelor of arts, 1932; bachelor of laws, 1933. Bar: 1933, North Carolina. Appointed June 9, 1953.

United States marshal: Roy A. Harmon, born November 2, 1894, at Beech Creek, N. C. Education: Appalachian State Teacher's College, Boone, N. C. Appointed July 17, 1953.

OKLAHOMA, EASTERN

United States attorney: Frank D. McSherry, born November 20, 1891, at Toledo, Ohio. Education: Sacred Heart College, Pottawatomie, Okla., master of arts. Bar: 1915, Oklahoma. Appointed June 9, 1953.

United States marshal: Paul Johnson, born April 26, 1906, at Forestburg, Tex. Education: Oklahoma University, Norman, Okla. Appointed August 5, 1953.

OKLAHOMA, WESTERN

United States attorney: Paul W. Cress, born February 6, 1904, at Perry, Okla. Education: 1928, University of Kansas, bachelor of arts; 1929, University of Oklahoma, bachelor of laws. Bar: 1929, Oklahoma. Appointed May 12, 1954, by the court; August 4, 1954, by confirmation.

United States marshal: Kenner W. Greer, born January 30, 1891, at Virgie, Ky. Education: Public Schools of Woods County, Okla. Appointed June 10, 1954.

TENNESSEE, EASTERN

United States attorney: John C. Crawford, Jr., born July 24, 1906, at Maryville, Tenn. Education: 1923–27, Maryville College, bachelor of arts; 1928–31, Harvard Law School, bachelor of arts. Bar: 1930, Tennessee. Appointed July 16, 1953.

United States marshal: Frank Quarles, born August 14, 1898, in Jefferson County, Tenn. Education: Jefferson High School. Appointed December 2, 1953, by recess; March 9, 1954, by confirmation.

TENNESSEE, MIDDLE

United States attorney: Fred Elledge, Jr., born February 7, 1910, in De Kalb County, Tenn. Education: Middle Tennessee State College, Murfreesboro; Andrew Jackson Business College, Nashville; Cumberland University, bachelor of laws 1936. Bar: 1937, Tennessee. Appointed August 12, 1953, by recess; March 11, 1954, by confirmation.

United States marshal: John H. Henderson, born August 30, 1902, at Nashville, Tenn. Appointed July 1, 1957, by the court.

TENNESSEE, WESTERN

United States attorney: Millsaps Fitzhugh, born March 29, 1903, at Jackson, Miss. Education: Emory University, Atlanta, Ga., bachelor of laws. Bar: 1925, Tennessee. Appointed July 16, 1953.

United States marshal: John T. Williams, born August 13, 1911, at Bemis, Tenn. Education: McLemorsville, Tenn., High School; 1931–32, Lambuth College. Appointed May 12, 1955.

TEXAS, NORTHERN

United States attorney: Heard L. Floore, born November 12, 1913, at Cleburne, Tex. Education: 1935, Texas Christian University, bachelor of arts; 1936, Columbia University Law School; 1938, University of Texas, bachelor of laws. Bar: 1938, Texas. Appointed August 12, 1953, by recess; March 4, 1954, by confirmation.

United States marshal: Hobart K. McDowell, born March 2, 1897, at Childress, Tex. Education: Del Rio High School. Appointed April 2, 1954.

TEXAS, SOUTHERN

United States attorney: Malcolm R. Wilkey, born December 6, 1918, at Murfreesboro, Tenn. Education: 1936–40, Harvard University, bachelor of arts; 1945–48, Harvard University, bachelor of laws. Bar: 1948, Texas. Appointed March 6, 1954.

United States marshal: James W. McCarty, born April 3, 1895, at Bangor, Pa. Education: Public schools of Bangor, Pa. Appointed December 16, 1955, by the court; March 15, 1956, by confirmation.

TEXAS, EASTERN

United States attorney: William M. Steger, born August 22, 1920, at Dallas, Tex. Education: 1938–41, Baylor University; 1947–50, Southern Methodist University, bachelor of laws. Bar: 1951, Texas. Appointed July 16, 1953.

United States marshal: James Crawford, Jr., born November 13, 1905, at Kenard, Tex. Education: 1927, Louisiana State University. Appointed April 24, 1956.

TEXAS, WESTERN

United States attorney: Russell B. Wine, born June 9, 1889, at Broadway, Va. Education: Washington and Lee University. Bar: 1912, Virginia; 1913, Texas. Appointed January 21, 1955, by the court; February 7, 1955, by confirmation.

United States marshal: Albert W. Saegert, born September 27, 1896, at Paige, Tex. Education: 1916–17, University of Texas; 1917–18 San Marcos, Texas Teachers College. Appointed May 21, 1953; reappointed May 29, 1957.

VIRGINIA, EASTERN

United States attorney: Lester S. Parsons, Jr., born October 10, 1918, at Norfolk, Va. Education: 1937–39, William and Mary College. 1942, University of Richmond School of Law, bachelor of laws. Bar: 1941, Virginia. Appointed June 9, 1953.

United States marshal: Richard A. Simpson, born September 22, 1895, in Pittsylvania County, Va. Appointed July 17, 1953; reappointed May 6, 1957.

VIRGINIA, WESTERN

United States attorney: John O. Strickler, born November 19, 1902, at Luray, Va. Education: 1922–26, William and Mary College, bachelor of arts; 1924–27, Washington and Lee University, bachelor of law. Bar: 1926, Virginia. Appointed July 16, 1953.

United States marshal: Peter A. Richmond, born August 1, 1891, at Rye Cove, Va. Education: Rye Cove High School and Roanoke Business College. Appointed August 12, 1953, by recess; March 11, 1954, by confirmation.

FIFTY-ONE JUDGES COVERED IN SURVEY OF FOLLOWING STATES: ALABAMA, ARKANSAS, FLORIDA, GEORGIA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, SOUTH CAROLINA, TENNESSEE, TEXAS, AND VIRGINIA

Of these 51 judges now sitting, 47 were born and educated in the South. Only 4 were not, and of these 4, in every case they were either raised or educated in the South. Only 1 of the 51 judges did not practice law exclusively in the South prior to his district judgeship appointment. Including present service on the bench, the average district judge in the South has worked in that area for 37 years.

UNITED STATES DISTRICT JUDGES AS OF JULY 22, 1957

Alabama

Daniel H. Thomas, judge; born, Prattville, Ala.; bachelor of laws, University of Alabama, 1928; admitted to Alabama bar, 1929; law practice, Mobile, 1929–51; assistant solicitor, 13th Judicial Circuit, Alabama, 1932–39; partner, Lyons, Thomas & Pipes, 1943–51; appointed United States district judge, southern district of Alabama, 1951. Home: 13 Dogwood Circle, Spring Hill. Office: Federal Building, Mobile, Ala.

Seybourn Harris Lynne, judge; born, Decatur, Ala.; B. S., Alabama Polytechnic Institute, 1927; bachelor of laws, University of Alabama, 1930; admitted to Alabama bar, 1930; general practice of law, Decatur, Ala., 1930–34; judge, Morgan County court, 1934–41; judge, Eighth Judicial Circuit of Alabama, 1941–42; judge, United States District Court for the Northern District of Alabama since 1946. Home: 305 East Glenwood Drive, Birmingham. Office: Federal Building, Birmingham, Ala.

Harlan Hobart Grooms, judge; born, Jeffersonville, Ky.; bachelor of laws, University of Kentucky; admitted to bar, Kentucky and Alabama; practiced in Birmingham, Ala., 1926–; former member, Spain, Gillon, Grooms & Young; judge, United States District Court for the Northern District of Alabama, 1953–. Member, American, Alabama, Birmingham Bar Associations, Phi Alpha Delta, Omicron Delta Kappa, Scabbard and Blade, Pi Kappa Alpha. Home: 2624 Aberdeen Road. Office: Box 34, Birmingham, Ala.

Frank M. Johnson, Jr., judge; born, Haleyville, Ala.; graduate, Gulf Coast Military Academy, Gulfport, Miss., 1935; Massey Business College, Birmingham, 1937; bachelor of laws, University of Alabama, 1943, admitted to Alabama bar, 1943; private practice in Haleyville and Jasper since 1946; member of firm, Curtis, Maddox & Johnson, 1946–53; United States attorney, northern district of Alabama since 1953. Served as private to captain, Infantry, United States Army, 1943–46. Decorated, Purple Heart with Oak Leaf Cluster, Bronze Star. Home: 1100 Ninth Avenue, Jasper, Ala. Office: Federal Building, Birmingham, Ala.

Arkansas

Harry J. Lemley, judge; born Upperville, Va.; student, University of Virginia, 1901–03; bachelor of laws, Washington and Lee University, 1910; doctor of laws, University of Arkansas. Admitted to Arkansas bar, 1912, practiced at Hope, Ark., 1912–39; United States district judge, eastern and western districts, Arkansas, since 1939. Member Phi Delta Theta, Phi Delta Phi. Author and coauthor of papers on archeology of Arkansas. Home: Hope, Ark. Address: Texarkana, Ark.

John Elvis Miller, judge; born near Aid, Mo.; student, Southeast Missouri State Teachers College, Cape Girardeau, and Valparaiso; Indiana University, bachelor of laws; University of Kentucky, 1912. In practice of law, Searcy, Ark., since 1912, member, Miller & Yingling; prosecuting attorney, first judicial circuit, Arkansas, 1919–22; director, Bank of Searcy. Member, 72d to 75th Congresses, 1931–39, Second Arkansas District; resigned on election as United States Senator to fill vacancy caused by death of Joseph T. Robinson for term ending 1943; resigned from United States Senate April 1, 1941, to become judge of the United States District Court for the Western District of Arkansas. Member, Arkansas Bar Association. Home: Fort Smith, Ark.

Florida

Dozier A. DeVane, judge; born near Lakeland, Fla., student Florida State College, Tallahassee, 1904–05; bachelor of laws, Washington and Lee University, Lexington, Va., 1908. Admitted to Florida bar 1908; practiced in Tampa, 1908–18; county attorney Hillsboro County, 1913–14; counsel to Florida Railroad Commission, 1918–20; rate attorney American Telephone & Telegraph Co., 1920–22; general counsel Chesapeake & Potomac Telephone Co., and associated companies, 1922–30; practiced law in District of Columbia 1930–33; solicitor, Federal Power Commission, Washington, D. C., 1933–38; reentered private practice, Orlando, Fla., 1938; member DeVane, Andrews & Patterson; appointed United States district judge, northern and southern districts of Florida, 1943, northern district, 1947. Member Kappa Sigma O. D. K. Phi Beta Kappa. Home, Old St. Augustine Road; office, Federal Building, Tallahassee, Fla.

George W. Whitehurst, judge; born Wauchuta, Fla. Student, Stetson University; bachelor of laws, University of Florida; admitted to Florida bar; Florida State circuit judge; now United States district judge, Miami. Home: 301 Valencia Way, Fort Myers, Fla.; office: Post Office Box 1070, Miami, Fla.

William J. Barker, judge; born Marietta, Ga., bachelor of laws with highest honors, University of Georgia, 1916. Admitted to Florida bar, 1916, and began practice in Jacksonville; judge, circuit court of State of Florida, 1925–40; United States district judge, southern district of Florida, since 1940. Member, American and Florida Bar Associations. Home: 3305 Lykes Avenue; office: Federal Building, Tampa, Fla.

Bryan Simpson, judge; born Kissimmee, Fla., bachelor of laws, University of Florida, 1926. Admitted to Florida bar, 1926, and practiced in Jacksonville, 1926–39, assistant State's attorney, fourth Florida circuit, 1933–37; judge, criminal court of record, Duval County, Fla., 1939–46; circuit judge, fourth Florida circuit, 1946–50; United States district judge, southern district, Florida, 1950. Trustee, Bolles School, Jacksonville; member, State board, Children's Home Society, Florida. Served as first lieutenant, United States Army, 1943–45, 12 months ETO. Member American, Jacksonville Bar Associations, Florida bar.

Emett Clay Choate, United States judge; born Columbus, Ohio; bachelor of laws, University of Indiana, 1914; admitted to Indiana bar and Oklahoma bar, 1914, New York bar, 1922, Florida bar, 1925; practiced in Oklahoma City, 1917–21, New York City, 1922–25, Miami, 1925–54; United States judge, southern district, Florida, 1954. Member Housing Authority, City of Miami, 1952; member, national board, field advisers, Small Business Administration, 1954. Delegate representative, National Convention, 1952. Served as first lieutenant, Oklahoma Infantry, 1914–16; major, Field Artillery, United States Army, 1917–18. Member, American Automobile Association; American, Florida, Dade County Bar Associations; Phi Delta Phi. Clubs: Kiwanis (Miami); home: 3306 Crystal, Miami, Fla.

Joseph Lieb, United States district judge; born Faribault, Minn., in 1901. Schooling at St. Thomas College and bachelor of laws degree from Georgetown University; admitted to bar, District of Columbia in 1924. He has either worked for Justice Department or practiced law in Tampa, Fla., from 1931 until appointment in 1956, as judge in the southern district of Florida.

Georgia

Frank Arthur Hooper, Federal judge; born in Americus, Ga.; student, Georgia Institute of Technology, Atlanta Law School, 1936, LL. M., 1937; secretary to judge, Georgia Court of Appeals, 1917, private practice, Atlanta, 1919–43; judge, Georgia Court of Appeals, 1933; instructor, Atlanta Law School, 1934–43; assistant city attorney, Atlanta, 1940–43; judge, superior court, Atlanta Judicial Circuit, 1943–49; United States district judge, northern district of Georgia, 1949. Member, Georgia House of Representatives, 1925–28. Served as ensign, USNRF, 1919.

William B. Sloan, judge; born in Gainesville, Ga.; admitted to Georgia bar, 1915; Representative, Georgia State General Assembly, 1927–31; assistant attorney general, Georgia, 1932; judge, city court, Hall County, Georgia, 1934–45; judge, superior courts, Northeast Judicial Circuit, Georgia, 1945–48; United States district court, northern district, Georgia, since 1951. Member, American, Georgia State Bar Association, American Judicature Society. Home: 1188 Cherokee Road. Office: Federal Building, Gainesville, Ga.

Thomas Hoyt Davis, United States district judge; born in Braselton, Ga.; bachelor of arts, Mercer University; admitted to Georgia bar, 1916; in general practice, 1916–26; solicitor general, Cordele judicial circuit, Georgia, 1927–33; United States attorney, middle district, Georgia, 1933–45; United States district judge, middle district, Georgia, 1945. Member, Georgia Bar Association, Cordele Circuit Bar Association. Home: Vienna, Ga.

William Augustus Bootle, judge; born in Colleton County, S. C.; Mercer University, 1924, LL. B., 1925; admitted to Georgia Bar, 1925, since practiced at Macon; member, Carlisle & Bootle, 1933–54; United States district attorney, middle Georgia district, 1929–33; acting dean, Mercer University Law School, 1933–37; part-time professor of law, 1926–37; judge, United States district court, middle district, Georgia, 1954. Trustee, Mercer University, chairman, executive committee board, 1941–46, 1948–53. Member, Phi Delta Theta. Club: Civitan, (president, 1936). Home: 196 Buckingham Place. Office: Post office, Macon, Ga.

Frank M. Scarlett, Federal judge; born in Brunswick, Ga.; 1898–08, Gordon College, Barnesville, Ga., 1908–10; bachelor of laws, University of Georgia, 1913; admitted to bar of Georgia, 1913; practiced law in Brunswick under name of Courtland Symmes & Scarlett, 1913–15; private practice, 1915–29; appointed solicitor of city court of Brunswick, 1919–29; entered partnership under name of Reese, Scarlett, Bennett & Highsmith, 1929–37, with Reese, Scarlett, Bennett & Gilbert, 1937–46; United States district judge since February 14, 1946; president, Brunswick Chamber of Commerce, 1936–38. Home: 902 Wright Square. Office: Federal Building, Brunswick, Ga.

Louisiana

Herbert William Christenberry, judge; born New Orleans, La. Student Soule College, New Orleans; bachelor of laws, Loyola University 1924, also student, New York University, 1927; private practice, 1924–33; assistant attorney, Board of Commissioners of Port New Orleans, 1933–35; deputy commissioner, Louisiana Debt Moratorium Commission, 1935; assistant district attorney, parish of Orleans, 1935–57; assistant United States attorney, Eastern District of Louisiana, 1937–42, United States attorney, 1942–47; United States district judge since 1947; instructor, Loyola University of the South, School of Law. Member, Federal Bar Association, Louisiana State Bar Association, New Orleans Bar Association; home, 4300 St. Ann Street; office, 600 Camp Street, New Orleans.

James S. Wright, district judge; born New Orleans. Bachelor of philosophy, Loyola University, 1931. Bachelor of laws, 1934; high school teacher, 1931-35; lecturer, English history, Loyola University, 1936–37; assistant United States attorney, New Orleans, 1937–46; practices of law, Ingoldsby, Coles & Wright, Washington, 1946–48; United States attorney, eastern district, Louisiana, 1948–49. Served as lieutenant commander, United States Coast Guard, 1942–46. Observer, United States State Department of International Fisheries Conference, London, 1943. Member, Louisiana State Bar Association (board of governors), Federal Bar Association (president, New Orleans chapter). District of Columbia Bar Association, New Orleans Bar Association, Alpha Delta Gamma (national president). Clubs: Army-Navy (New Orleans); Army-Navy Country (Washington). Home: 35 Newcomb Boulevard, New Orleans, 18; office: Post Office Building, New Orleans.

Ben C. Dawkins, Jr., judge; born Monroe, La., bachelor of arts, Tulane Univeristy, 1932; bachelor of laws, Louisiana State University, 1934; admitted to Louisiana bar, 1934, practiced in Monroe, 1934–35, Shreveport, 1935–53; member, firm, Blanchard, Goldstein, Walker & O'Quin, 1935–53; United States district judge, western district, Louisiana since 1953. President, Shreveport Recreation Council, 1941; director Children's Service Bureau, 1947–51, Child Guidance Clinic, 1952. Member school board, Caddo Parish School, 1949–53, president, 1950–52. Served as lieutenant commander, air navigator, United States Naval Reserve. 1942–45. Member, America, Louisiana State (board of governors, 1950–52) Shreveport (vice president, 1941–42, secretary-treasurer, 1947–48; president, 1949–50) bar associations, Shreveport Chamber of Commerce (director, 1949–52), Junior Chamber of Commerce (director, 1941–42); American Legion, Veterans of Foreign Wars (post commander, 1946–47, judge advocate, Louisiana department, 1947–48), Delta Kappa Epsilon, Phi Delta Phi, Omicron Delta Kappa; Club: Shreveport Exchange (president, 1951). Home: 4054 Baltimore Street; office: Federal Building, Shreveport, La.

Edwin Ford Hunter, Jr., United States judge, born Alexandria, La. Student, Louisiana State University, 1930–33; bachelor of laws, George Washington University, 1938; admitted to Louisiana bar, 1938, member, Smith Hunter, Risinger & Shuey, Shreveport, 1940–53, member, Louisiana State Legislature, 1948–52; executive counsel, Governor, Louisiana, 1952; member, Louisiana State Mineral Board, 1952. Served as lieutenant, United States Naval Reserve, 1942–45, on U. S. S. *Saratoga*. Member American Bar Association (Louisiana State chairman, junior bar section, 1945), American Legion (post commander, 1945, judge advocate, Department Louisiana, 1948), Sigma Chi. Home: 1027 Ninth Street; office: Post Office Box 1339, Lake Charles, La.

Mississippi

Sidney Carr Mize, judge; born, Scott County, Miss.; bachelor of arts, Mississippi College, Clinton, 1908; bachelor of laws, University of Mississippi, 1911; admitted to Mississippi bar, 1911, forming law partnership with his brother, Joe H. Mize, to 1926; then firm changed to Mize, Thompson & Mize; served as special district attorney, special county judge, special chancery judge; United States judge for southern district of Mississippi since 1937. Member, Democratic State Executive Committee, 1931–37. Trustee, Gulfport municipal schools, 1930–38. Member, American, Mississippi State, and Harrison County bar associations; Phi Kappa Psi, Phi Delta Phi. Address: Gulfport, Miss.

North Carolina

Wilson Warlick, judge; born, Newton, N. C.; bachelor of science, Catawba College; 1910 doctor of laws (honorary) 1936; bachelor of laws, University of North Carolina, 1913; admitted to North Carolina bar 1913, practiced law, Newton, N. C., 1913–30; judge, superior court, 16th judicial district, 1930–49; United States district judge, western district, North Carolina, since 1949. Chairman, North Carolina Probation Commission since 1937. Served as lieutenant, G–2, American Expeditionary Forces, Adjutant General Department, World War I; member of S. A. R. American Legion, 40 et 8, Alpha Tau Omega, Office: Federal Building, Statesville, N. C.

Donnell Gilliam, judge; born, Tarboro, N. C.; student, University of North Carolina, 1905–10; admitted to North Carolina bar, 1910; member, firm Gilliam & Bond, Tarboro, 1923–45; State district solicitor, 1923–45; United States district judge, eastern district of North Carolina since May 30, 1945. Chairman, Edgecombe County Democratic executive committee, 1910–45. Member, Delta Kappa Epsilon. Home: 302 Church St., Tarboro, N. C.

Oklahoma

Royce E. Savage, judge; born, Blance, Okla.; bachelor of arts, University of Oklahoma, 1925, bachelor of laws, 1927; assistant insurance commissioner, 1927–29; practiced law as member firm Monnet & Savage, Tulsa, 1929–38; Cantrell, Savage & McCloud, Oklahoma City, 1938–40; appointed United States district judge for northern district of Oklahoma, 1940. Member of Phi Delta Theta and Phi Delta Phi. Home: 2135 East 25th Street; office: Federal Building, Tulsa.

William R. Wallace, judge; born, Troy, Tex.; student, Indianola College (now University of Tulsa), 1901–05; University of Oklahoma, 1909–10; doctor of laws, Oklahoma Baptist University, 1947; admitted to Oklahoma Bar, 1910, practiced in Pauls Valley, Okla., 1910–25; county judge, Garvin County, 1913–17; attorney, Magnolia Petroleum Co. and Lone Star Gas Co., 1925–50; United States district judge for the northern, eastern, and western districts of Oklahoma since 1950. Served as member of Oklahoma State Legislature, 1909–23. Chairman of Oklahoma Public Welfare Commission, 1939–42; board of regents, University of Oklahoma, 1944–48; member of American and Oklahoma Bar Associations, Kappa Sigma. Clubs: Rotary, Men's Dinner. Home: 2419 North Harvey, Oklahoma City; office: Federal Building, Oklahoma City.

Eugene Rice, judge; born, Union City, Tenn., bachelor of science, Hall-Moody College, Martin, Tenn., 1910; bachelor of laws, Valparaiso University, 1917; taught in rural schools of Tennessee, 1910–13; admitted to Oklahoma Bar, 1920, and practiced in Oklahoma; State district judge, 1930–37; former member of court of tax review, Oklahoma; appointed United States district judge, eastern district, Oklahoma, 1937. Served with United States Army and AEF, 1917–19. Member of American Bar Association, Oklahoma State Bar Association; honorary member of Phi Delta Phi. Home: 1521 Boston Street; office: Federal Building, Muskogee, Okla.

Stephen S. Chandler, judge; born, Blount County, Tenn.; student of University of Tennessee, 1917–18; bachelor of laws, University of Kansas, 1922; private law practice in Oklahoma City, 1922–43; appointed United States district judge for the western district of Oklahoma, 1943. Member of Sigma Alpha Epsilon and Phi Delta Phi. Clubs: Oklahoma City Golf, Beacon, and Rotary.

Ross Rizley, judge; born, Beaver, Okla.; bachelor of laws, University of Kansas City, 1915; admitted to Oklahoma bar, 1915; actively practicing law since 1915; county attorney, Beaver County, Okla., 1919–20; State senator, first Oklahoma district, 1931–35; Member, 77th-80th Congresses (1941–49), 8th Oklahoma District; Solicitor, Post Office Department, March to December 1953; Assistant Secretary of Agriculture, 1953–54; Chairman, Civil Aeronautics Board, 1955; director, City National Bank, Guymon; member, Guymon Chamber of Commerce (former president, director). Member, Oklahoma State Bar and American Bar Associations; address: Guymon, Okla.; office: Department of Agriculture, Washington, D. C.

South Carolina

George B. Timmerman, judge; born, Edgefield County, S. C.; graduate, Patrick Military Institute, 1900; bachelor of laws, South Caroline College (now University of South Carolina), 1902; doctor of laws (honorary) 1952; general practice of law, 1902–42; appointed United States district judge for the eastern and western district of South Carolina, 1942;

captain, South Carolina Militia, aide on brigade staff, 1905; solicitor, 5th judicial circuit, 1905–08; 11th judicial circuit, 1908–20; member, State of South Carolina Highway Commission, 1931–39, chairman, 1936–39; chairman, Lexington County (S. C.) Democratic Committee, 1914–16; Democratic State executive committeeman, 1930–32, 1938–42; president, Democratic State Convention, 1932; chairman, Ridge District Boy Scouts of America, 1940–43; vice president, central council, 1942–44; chairman, Batesburg-Leesville Park Commission, 1941–46; trustee, University of South Carolina, Columbia, S. C., 1941–47. Member, South Carolina and American Bar Associations, Phi Kappa Sigma, Omicron Delta Kappa. Home: Rutland Street, Batesburg, S. C.; office: United States Courthouse, Columbia, S. C.

Ashton H. Williams, judge; born, Lake City, S. C.; bachelor of arts, University of South Carolina, 1912; graduate law school, Georgetown University, 1915; admitted to South Carolina bar, 1914; since, practiced in South Carolina; member, Lake City Council, 1916–17; South Carolina State House of Representatives, 1921–22; senator, Florence County, 1923–26; member, Democratic National Executive Committee, South Carolina, 1948–49. Author (while in senate): Pay-as-You-Go Road Act, 1923; Coastal Highway Act; first act to tax gasoline for good roads; office, United States Courthouse, Charleston, S. C.

Charles C. Wyche, judge; born, Prosperity, S. C.; bachelor of science, The Citadel, Charleston, 1906; doctor of laws, 1952; Georgetown University, 1908–9; admitted to South Carolina bar in 1909, and practiced at Spartanburg; member, South Carolina House of Representatives, 1913–14; city attorney, Spartanburg County, 1919–33; United States district attorney, western district of South Carolina, 1933–37; appointed United States district judge, western district of South Carolina, January 30, 1937; circuit judge, court common pleas, by special appointment, 1924; court of general sessions, 1924; associate justice, Supreme Court of South Carolina, by special appointment, 1929. Served in World War I, advancing from first lieutenant to major with AEF and Army of Occupation; member, American and South Carolina State (president, 1931–32), Spartanburg County Bar Association, American Law Institute; home: 268 Mills Avenue; office: Federal Building, Spartanburg, S. C.

Tennessee

William E. Miller, judge; born Johnson City, Tenn., bachelor of arts, University of Tennessee, 1930; bachelor of laws, Yale, 1933; admitted to Tennessee bar 1933; member, Cox, Epps, Miller & Weller, Johnson City, 1933–55; chancellor, first chancery division, Tennessee, 1939; United States district judge, middle district, Tennessee, 1955—. Member, Tri-Cities Airport Commission. Presidential elector, 1940; member, Constitutional Convention of Tennessee, 1953. Chairman, Washington County Chapter, American Red Cross, 1938–40; board of visitors, Emory and Henry College. Served as major, United States Air Force, World War II. Member, Johnson City Chamber of Commerce, American, Tennessee, Washington County (past president) bar associations; American Counsel Association; American Judicature Society; American Legion; Sigma Alpha Epsilon. Clubs: Executives, Kiwanis, Hurstleigh, Johnson City (Johnson City, Tenn.). Home: 228 Vaughan's Gap Road, Nashville. Office: Federal Building, Nashville.

Marion S. Boyd, judge; born 1900; graduate, University of Tennessee, 1921; judge, United States District Court, Western District of Tennessee since 1940. Office: Federal Building, Memphis, Tenn.

Leslie Rogers Darr, judge; born Jasper, Tenn.; student, Pryor Institute, Jasper, 1904–8; bachelor of laws, Cumberland University, 1909; admitted to Tennessee bar, 1910; practiced law at Jasper, Tenn., 1910–26; judge, 18th circuit of Tennessee, 1926–39; United States district judge, eastern and middle districts of Tennessee since 1939. Home: 1506 Riverview Road, Chattanooga, Tenn.

Robert Taylor, judge; born Embreeville, Tenn., in 1899. Educated at Michigan College, received bachelor of laws from Yale, 1924 (also attended Vanderbilt Law School in Tennessee). He has practiced law from the beginning in Tennessee, then became district judge on November 25, 1949.

Texas

Thomas W. Davidson, judge; born Harrison County, Tex.; special courses study, Columbia and University of Chicago; studied law privately; admitted to Texas bar, 1903; practiced in Marshall; city attorney, 1907; State senator, 1921; Lieutenant Governor of Texas, 1923; United States district judge, northern district of Texas, since February 1936. Member, Democratic National Convention, 1912–32. Member, American, Texas (president, 1927), and Dallas Bar Associations; president, Harrison County Bar Association, 1916. Home: Maple Terrace, Maple Avenue. Office: Post Office Box 286, Dallas 1, Tex.

Joseph B. Dooley, Federal judge; born San Angelo, Tex.; practiced law, Amarillo, Tex., 1911–47; president, State bar of Texas, 1944–45; United States district judge for northern district of Texas, 1957; member advisory committee, Supreme Court of Texas, 1940; member, American Bar Association, State bar of Texas. Home: 3011 Hughes Street. Office: Federal Court Building, Amarillo, Tex.

Allen B. Hannay, judge; born Hempstead, Tex.; student Agricultural and Mechanical College of Texas, 1907–9; bachelor of laws, University of Texas, 1913; admitted to Texas Bar, June 10, 1913; practiced law in Hempstead and Houston, Tex., 1913–30; Walter County, judge, 1915–17; appointed district judge, 113th district of Texas, March 30, 1930; United States district judge since 1942; member, committee on judicial statistics, United States courts; member, Texas Bar Association. Home: 4001 Ella Lee Lane. Address: 330 Post Office Building, Houston.

James V. Allred, judge; born Bowie, Tex.; admitted to Texas bar, 1921; bachelor of laws, Cumberland University, 1921, began practice at Wichita Falls; district attorney, same 1923X25; attorney general of Texas, two terms, 1931–35; Governor, State of Texas, 1935–39; United States district judge, southern district of Texas, 1939–42; engaged in practice of law; United States district judge, southern district of Texas, since 1951. Home: 4720 Bellaire. Office: Electric Building, Houston, Tex.

Ben C. Connally, judge; born Marlin, Tex.; bachelor of arts, University of Texas, 1930, bachelor of laws, 1933; master of laws, Harvard, 1934; admitted to bar, Texas, 1933; practiced as member firm Sewell, Taylor, Morris & Connally, Houston, 1934–42; Butler & Binion, 1945–49; United States district judge, southern district of Texas, since 1949. Member American, Texas & Houston bar associations, American Legion, Houston Chamber of Commerce; Home: 244 Hedwig Road; office, 416 Post Office Building, Houston.

Joe W. Sheehy, judge; born Saratoga, Tex.; student University of Texas, 1927–29; bachelor of laws, Baylor University, Waco, Tex., 1934; admitted to Texas bar, 1934, and since practiced in Tyler as member firm of Ramey, Calhoun, Marsh, Brelsford & Sheehy; assistant attorney general Texas, 1934; United States district judge for eastern district of Texas, Tyler, since 1951. Member American, Texas & Smith Co. (president 1942) bar associations. Home, 2312 South Chilton Street; office, Federal Building, Tyler, Tex.

Ben H. Rice, Jr., judge; born Marlin, Tex.; bachelor of laws, University of Texas, 1913; master of laws, 1914; admitted to Texas bar, 1913; assistant county attorney, Falls County, Tex., 3 years; city attorney, Marlin, 9 years; elected chief justice 10th Court of Civil Appeals, 1940; Federal judge western district of Texas since 1950. Address: Federal Courthouse, San Antonio.

Robert E. Thomason, judge; born Shelbyville, Tenn.; bachelor of science, Southwestern University, Georgetown, Tex., 1898; bachelor of laws, University of Texas, 1900; began practice of law, Gainesville, Tex., 1900; district attorney, Gainesville, 1902–6; practiced at El Paso, Tex., since 1912; member Texas House of Representatives, 1917–21; speaker of House, 1920–21; mayor of El Paso, 1927–31; Member 72d to 80th Congresses, 1931–47, 16th Texas District; United States district judge, western district, Texas. Address: 1918 North Stanton Street. Office: Federal Building, El Paso, Tex.

Joe McDonald Ingraham, judge; born Pawnee County, Okla. Admitted to Oklahoma bar, 1927, District of Columbia bar 1927, Texas bar, 1928; practiced in Stroud, Okla., 1927–28, Fort Worth, 1928–35; Houston, 1935–54; served as Member United States House of Representatives, 1934–48; associate justice, Texas Supreme Court, 1936, 1938, 1940; judge, United States District Court, Southern District, Texas, 1954. Secretary Tarrant Co., representative executive committee, 1930–35, chairman, Harris Co., 1946–53, member Texas State executive commission, 1952—; presidential elector, 1932, alternate delegate national convention, 1940, delegate, 1948, 1952. Served as lieutenant colonel, United States Army Air Force, 1942–46. Member American, Houston Bar Association, Texas State bar, S. A. R. (president, Texas, 1937–38.) American Legion. Club: Army and Navy Association (president, 1950). Home: 2341 Sunset Boulevard, Houston 5. Office: Post Office Building, Houston 2.

Lamar Cecil, judge; born Houston, Tex., in 1902. Received bachelor of laws from University of Texas (also attended Rice); admitted to Texas bar in 1927, has always practiced in Texas until he became United States district judge September 9, 1954.

Joe Ewing Estes, judge, born in Commerce, Tex., in 1903. Went to East Texas State Teachers College in Commerce and received bachelor of laws from University of Texas in 1927. Admitted to Texas bar in 1927. Practiced in Texas until present appointment in August 1, 1955, to northern district, Texas.

Virginia

John Paul, judge; born Harrisonburg, Va.; graduate Virginia Military Institute, Lexington, 1903; bachelor of laws, University of Virginia, 1906; admitted to Virginia bar, 1906, and practiced at Harrisonburg; member, Virginia State Senate, 1912–16, 1919–22; Member, 67th Congress (1921–23), Seventh Virginia District; special assistant to United States Attorney General, 1924–25; United States district attorney, western Virginia district, 1929–31. United States district judge since January 1932. Served as captain, Field Artillery, United States Army, 1917–19 with American Expeditionary Forces, May 1918–19. Member, Raven Society (University of Virginia), Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: R. F. D., Dayton, Va. Address: Federal Building, Harrisonburg, Va.

Alfred Dickinson Barksdale, judge; born Halifax, Va., educated Cluster Springs Academy, 1907–8; Virginia Military Institute, 1908–11, bachelor of science; University of Virginia, 1912–15, bachelor of laws; admitted to Virginia bar, August 13, 1915, and began practice in Lynchburg; judge, Sixth Judicial Circuit of Virginia, 1938–40; judge, United States District Court, Western District of Virginia, since January 1940. Member, Virginia Senate, 1924, 1926, 1927. Served as captain, 116th Infantry, United States Army with American Expeditionary Forces, World War I. Decorated Distinguished Service Cross, Chevalier Legion of Honor, Croix de Guerre. Trustee, Hollins College. Member, board of visitors, University of Virginia;

member Lynchburg (Va.), State and American bar associations; Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: 2001 Link Road. Office: Post Office Box 877, Lynchburg, Va.

Albert B. Bryan, judge; born Alexandria, Va., bachelor of laws, University of Virginia, 1921; admitted to Virginia bar, 1921; practiced in Alexandria, 1921–47; city attorney, Alexandria, 1926–28; Commonwealth's attorney, 1928–47; United States district judge, eastern district of Virginia, 1947–. Member, State board of corrections, Virginia, 1943–45; member, board of law examiners, 1944–47; member American, Virginia bar associations; American Law Institute; Phi Kappa Sigma, Phi Delta Phi. Home: 2826 King Street, Alexandria, Va. Office: United States Courthouse, Alexandria; also Norfolk, Va.

Charles S. Hutcheson, judge; born Mecklenburg County, Va., 1894. Attended William and Mary and received bachelor of laws from University of Virginia Law School. Admitted to Virginia bar in 1919, and has always worked in Virginia, and became United States district judge in 1944.

Walter Hoffman, judge; born in Jersey City in 1907. Attended University of Pennsylvania and William and Mary, receiving bachelor of laws from Washington and Lee in 1931. Admitted to bar same year and has spent most of career practicing in Virginia. Appointed to present post of United States district judge in 1954.

THE MURPHY-GALINDEZ AFFAIR

Mr. JOHNSTON of South Carolina. Mr. President, in keeping with my continued interest in the affairs of Latin America I wish to remark on the articles appearing in the news regarding the activities of the Government of the Dominican Republic in connection with the selection of Mr. Morris Ernst and Judge William Munson to conduct a complete investigation of the Murphy-Galindez affair.

It is too early to know the true facts in this matter but I consider this to be a correct approach to a matter which has long been mysterious and confusing.

There is no substitute for truth. Whatever the facts are in connection with this incident or in connection with any other incident in the entire area of Latin America, we, whom they depend upon so heavily, should know the facts.

Frequently I have disagreed with the activities and the opinion of Mr. Morris Ernst, but my disagreement has always been accompanied by a profound respect for his ability and his integrity. I do not personally know either Mr. Ernst or Judge Munson but I have a deep respect for their reputations which I must assume they have earned by their long years of conduct.

The Government of the Dominican Republic has been seriously injured by the adverse publicity associated with the Murphy-Galindez affair. If their conduct has been such as to merit the disapproval of the people of the United States, then they deserve the consequences of that disapproval. If, on the other hand, a fair and unbiased determination of the facts justify a different conclusion, then most assuredly they are entitled to the benefits that flow from that conclusion. Whatever the consequences may be, be they good or bad, I commend those who made the decision to determine the facts in an appropriate manner and to let the people know what those facts are. They and we will be better off when the full truth is known.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. MARTIN of Pennsylvania obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. MARTIN of Pennsylvania. I am glad to yield to the distinguished Senator from Wyoming, provided I do not lose the floor, and provided also that he will not consume more than 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. O'MAHONEY. Mr. President, I shall not take as much as 20 minutes in the presentation of the matter to which I desire to refer.

Mr. MARTIN of Pennsylvania. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wyoming, provided I retain the floor after he has concluded, and with the understanding that he will not consume more than 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I have a question to propound to the Senator from Wyoming in connection with his amendment; and while I wish to accommodate myself to the wishes of the Senator from Pennsylvania, I hope he will not be too severe in holding the clock on us.

Mr. O'MAHONEY. Mr. President, I understand that I have been recognized.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. KEFAUVER. Mr. President, will the Senator from Wyoming yield to me for the purpose of suggesting the absence of a quorum?

Mr. O'MAHONEY. Let me say to the Senator from Tennessee that I agreed with the Senator from Pennsylvania [Mr. MARTIN] that I would not call for a quorum at this time. The Senator from Pennsylvania had obtained recognition, and he was kind enough to yield to me, upon condition that my presentation would not require more than 20 minutes. I think that condition can be adhered to without difficulty. The Senator from Pennsylvania has a speech, which must be delivered because of his own engagements, and I do not intend to interfere with them. However, I desire to have laid before the Senate the modification of my amendment which I now desire to present.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. DOUGLAS. Am I correct in understanding that this is the third edition of the O'Mahoney amendment? The first edition was, I believe, on the 8th of July. The second edition was, I believe, introduced on July 17 and was discussed by the Senator from Wyoming on night before last. Is this the third edition?

Mr. O'MAHONEY. The Senator is mistaken.

Mr. DOUGLAS. Is there to be another edition tomorrow?

Mr. O'MAHONEY. The Senator is mistaken. When the Senator desires to cast aspersions upon the efforts of another Member of this body——

Mr. DOUGLAS. I am not casting aspersions.

Mr. O'MAHONEY. He ought to be accurate in his figures.

Mr. DOUGLAS. Is this the third edition?

Mr. O'MAHONEY. Yes, indeed.

Mr. President, on behalf of the Senator from Tennessee [Mr. KEFAUVER] and myself, I send to the desk a modification of my amendment which is now pending before the Senate, to provide for trial by jury in cases of prosecution for criminal contempt.

The PRESIDING OFFICER. Without objection, the Senator has a right to modify his amendment.

Mr. O'MAHONEY. Mr. President, the modification is submitted to accomplish three purposes:

First. To clarify the distinction between civil contempt and criminal contempt arising from disobedience of court orders and to regulate their respective procedures.

Second. To provide in the case of individuals the maximum penalty which may be imposed upon conviction of criminal contempt.

Third. To extend the coverage of the provisions of the amendment to all cases of criminal contempt arising from disobedience of lawful orders of a court.

Much of the difficulty in making clear the intent and scope of the amendment is due to the fact that the term "contempt of court" does not have a single definite meaning. It is a term that is used in Federal law to cover four wholly different situations each of which poses its own problems and requires its own solution.

In the first place, contempt of court can mean unbecoming conduct within the courtroom or so near thereto as to amount to an obstruction of the administration of justice. This type of flagrant conduct threatens the very existence of the judicial system.

To overcome its evil effects, action must be swift and punishment certain. It is conduct which must be corrected almost at the instance of its occurrence if the dignity and the integrity of the court is to be maintained.

In the second place, contempt of court can mean the misconduct of an officer of the court in failing to carry out a court order. This type of proceedings for contempt of courts is administrative to maintain discipline among the attachés of the court. No court could function unless it has immediate and complete obedience from its marshals, clerks, and other employees, any more than this legislative body could function unless it has immediate and complete obedience from its employees. Here, again, corrective action must be swiftly taken if the court is to operate efficiently.

The third category of contempt of court is what is known as civil contempt. A proceeding for civil contempt is a method for obtaining compliance with a mandate or injunction issued by a court of equity. It is a proceeding which is used only against a person who has been directed by a court to do an act or to refrain from doing an act. The only question open for decision in such a proceeding is: Has the mandate or injunction of the court been obeyed? If it has not been obeyed, the reason or the motive for the disobedience is of no moment.

While in a proceeding for civil contempt the court may impose imprisonment and a fine upon one adjudged in contempt, it is important to recognize that it does not do so by way of punishment. Its action is coercive only to compel compliance and the contempt disappears once compliance is obtained.

As has already been said many times in these debates, the accused in a civil contempt proceeding at all times holds the key to his release from prison and to the remission of his fine. If before sentence is imposed the accused complies or gives assurance of compliance, his contempt is purged and he cannot be fined or imprisoned. Even after sentence is imposed and is in effect if the accused complies or gives assurance of compliance his contempt is purged and his fine is remitted and if imprisoned he must be released. Since the freedom of the accused depends at all times wholly upon himself, in cases of civil contempt, there is no need for a jury trial to safeguard his rights.

The fourth category of contempt of court is what is known as criminal contempt for willful disobedience of a mandate or injunction of a court of equity. This is a proceeding to punish one who willfully disobeys the court order. It differs radically from a proceeding in civil contempt. Its purpose is not to compel compliance with the court order and to obtain for the plaintiff the fruits of the mandate or injunction. It may be invoked even though full compliance is had before trial. Its purpose is a public purpose to vindicate the dignity of the court which has been flouted by the willful and intentional act of the defendant. Criminal contempt may be brought against a party to the injunction suit; but it can also be brought against one not a party who has knowledge of the order and aids, counsels, abets, or conspires with a party to disobey the order.

The determining issue in a proceeding for criminal contempt is the state of mind—the intent—of the defendant in the proceeding. This is an issue which our system of law regards as peculiarly one for a jury to determine. Even more important, the purpose of the proceeding is punishment. Punishment is an element of the criminal law. A criminal-contempt proceeding while it may not be a true criminal proceeding, is at the very least quasi-criminal in nature. In many cases the act which constitutes the criminal contempt may in fact be a crime under either Federal or State law. There are indications in certain recent opinions of our Supreme Court that the failure to afford a jury trial for this latter type of criminal contempt may violate the constitutional requirement for trial by jury in criminal cases. In any event, whether a constitutional crime or not, the spirit, if not the letter, of our Constitution requires a jury trial for criminal contempts.

Providing a jury trial for criminal contempt will in no way hinder the court from using every available means to effect compliance. It will only mean that the court may not punish until a jury of the defendant's peers have adjudged him deserving of punishment.

It is with these foregoing considerations in mind that the present modification has been drafted. It provides that in cases of criminal contempt the accused, if he demands it, will be tried by a jury. In all other cases trial will be before the judge alone if he so desires.

Since the objective of criminal-contempt proceedings is to punish, and since punishment under our law is usually not left to the unfettered discretion of the judge, we have thought it wise to place a limitation upon the punishment that may be imposed upon a natural person. The penalty in that case will be a fine not to exceed $1,000 or imprisonment not to exceed 6 months or both. This is the same penalty as is provided for certain types of criminal contempt under present section 402 of title 18 of the United States Code.

From our studies and discussions we have become convinced that the principles we have been discussing are not limited in their application to criminal contempts in proceedings which may arise under the provisions of the bill now being considered. They are principles of universal application, and should govern all criminal contempt proceedings in equity. For this reason the modification is drawn so as to cover all criminal contempt proceedings for willful disobedience of orders of a Federal court.

The modified amendment will not only apply universally to criminal contempt proceedings in Federal courts, but it has the effect of redefining and making uniform the concept of criminal contempt which has plagued lawyers and judges in the Federal courts for far too long. The present definition of criminal contempt in section 402 is not in harmony with the traditional understanding of equity courts. The modified amendment provides a definition which is in harmony with the time-honored and well-understood definitions applied by courts in the absence of section 402, and more nearly meets the objective of providing the right of trial by jury in situations which were contemplated by the men who wrote the Constitution.

When a court is going to impose criminal punishment, an accused will have a right to trial by jury regardless of the nature of his act. When a court is seeking to secure compliance with its orders, there will not be a trial by jury.

The modification amends sections 402 and 3691 of title 18 of the United States Code so as to carry out the purposes outlined.

I should like to read the amendment, so that it may be available to those who read the RECORD in the morning.

Mr. RUSSELL. Mr. President——

Mr. O'MAHONEY. I should first like to read the amendment. Then I shall be happy to yield to the Senator from Georgia. The amendment reads as follows:

PART V. AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS

SEC. 151. Section 402 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 402. Criminal contempts: Any person, corporation or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

"This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

SEC. 152. Section 3691 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 3691. Jury trial of criminal contempt: In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.

"This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

Mr. President, since I began the presentation of this matter, the distinguished junior Senator from Idaho [Mr. CHURCH] has asked to be recognized as a cosponsor of the amendment. I am certain the Senator from Tennessee [Mr. KEFAUVER] will agree that we shall be happy to welcome the Senator from Idaho as a cosponsor.

I may say to the Senator from Georgia that I have promised to yield first to the Senator from Tennessee.

Mr. MARTIN of Pennsylvania. Mr. President, how much time will the Senator from Tennessee require?

Mr. KEFAUVER. I shall be brief.

Mr. MARTIN of Pennsylvania. How much time will the Senator require?

Mr. KEFAUVER. About 2 minutes.

Mr. MARTIN of Pennsylvania. Very well.

Mr. KEFAUVER. As has been stated, I am very happy to have agreed with the Senator from Wyoming [Mr. O'MAHONEY] on this composite amendment. I think it contains the best language of both our previous efforts.

It clearly distinguishes between civil and criminal contempt.

It retains the power and authority of the judge to enforce all his orders and decrees.

Furthermore, it represents a great advance of civil liberties because as now presented, this amendment does not apply to this bill alone.

As now presented, this amends the general law.

It covers all actions for contempt.

It again will assure labor unions of their day in court before a jury of their peers, something which was done in the Norris-La Guardia Act, but which has been largely nullified through the Taft-Hartley Act.

We should not have different methods of treatment, according to who is getting the treatment.

This would make the law uniform for all.

Labor should be anxious for the passage of this act with this amendment, because the point has been clearly made, here on the floor and in the courts, that under the Taft-Hartley law their right to a trial by jury has been practically eliminated.

This should be satisfactory to the Department of Justice because it affords all the power and authority necessary to secure compliance. If, in addition to assuring compliance the Department of Justice wants to punish, then they can do so criminally, just as they did in the Clinton case.

In that case the Department felt there should be a jury trial. The judge gave one, and the jury rendered a highly fair and judicious verdict.

I commend this amendment as it is now presented to all Members of the Senate. I trust that they will study it carefully over the weekend, and it is my hope that we can vote on such an amendment early next week.

I am very happy to be associated with the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Idaho [Mr. CHURCH] in the presentation of the amendment. I hope other Senators will join us in sponsoring the amendment and presenting it to the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. RUSSELL. I wish to add my word of congratulation to the Senators who have labored so earnestly on this amendment. They are entitled to be congratulated for their persistence in clarifying the Federal statutes relative to contempt to assure the right to a jury trial in all cases of criminal contempt.

I wish to make a brief statement about the scope of the bill in which it is proposed to grant jury trials under this amendment. The debate has proceeded until now apparently on the false assumption that the voting section of the bill, part IV, was in somewise connected with the 15th amendment to the Federal Constitution, which provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The fact of the matter is that this loosely drawn bill is in no way related to the 15th amendment. It applies to any case in which the Attorney General may have reason to believe that any person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimate, threaten, or coerce any other person in connection with the exercise of suffrage. The Attorney General can then proceed to secure injunctive relief and jail the person he suspects without the benefit of a jury trial.

The Senator from Tennessee said that labor unions should support the amendment because it is consistent with the purposes of the Norris-La Guardia Act. I say that leaders of labor unions should support the amendment lest they be the first to fall into the toils of this proposal when its harsh powers are applied.

If a labor leader sends word to a shop steward that he had better "see the boys" and tell them to vote "this way," he subjects himself to the condign punishment provided by part IV. The provision may or may not particularly apply to the South. If the bill be passed, it may very well apply to Cook County, Ill., before it will ever apply to Georgia.

Mr. O'MAHONEY. The Senator means if the bill be passed without the jury-trial amendment.

Mr. RUSSELL. Yes. It can be applied equally in each of the 48 States. It proposes to protect every voter from even threats of coercion. If some public official in Cook County, Ill., goes to persons whom he has helped to get jobs and tells them they had better vote "this way," or else they may lose their jobs, he will subject himself to this harsh injunctive process, because he will be threatening or coercing another person in relation to voting under the terms of the bill, and will be subject to an injunction.

All persons who might operate in such a way had better thank the Senator from Wyoming, the Senator from Tennessee, and the Senator from Idaho for their attempt to preserve the right to trial by jury.

This is a very loosely drawn bill. I could cite case after case to show how ward leaders and State leaders could be jailed. This bill could be used as a most partisan weapon to control elections and intimidate workers of the opposite party.

This debate has gone forward on the theory that part IV has something to do with race, creed, or color under the 15th amendment. It is not even indirectly related to them. It relates to the constitutional guaranty of the right of all citizens to cast a free and untrammeled ballot, as defined by the Attorney General.

I say now that if the bill passes, it will be used for political purposes in the other States of the Union long before it will ever be applied in the State of Georgia. It will be a repetition of another law passed in the Reconstruction period. Congress passed a voting act in about 1870 providing for Federal officials to be at the polls. That act was repealed in 1893. Why? Was it repealed to relieve the South? Was it a magnificent gesture toward a defeated foe? No. The act was repealed because of its abuse in the city of New York. The Federal officials of one party intimidated the voters of the other party and kept them from voting. The Senator from Louisiana made that clear in his magnificent address, citing the report of the committee of Congress that investigated the frauds.

Every poll worker, every city official, every Federal official, every labor-union leader who interests himself in politics would do well, Mr. President, to thank and congratulate the three Senators who are sponsoring this amendment, because without this amendment the bill could turn them over to the tender mercies of a politically appointed Attorney General of the United States. One of these days, Mr. President, there might be a politically minded Attorney General of the United States. Some persons think the present Attorney General has had some experience with politics. And this bill could be used as a weapon with which to keep one party in power and completely deprive another political party of a chance ever to regain power, if these harsh provisions were applied in the way they could be applied. Certainly these Senators have rendered the American people a real service by attempting to keep elections clean, by providing that those who might be caught up in the toils of this harsh act for partisan purposes should at least have a jury trial before being jailed on the charge that the Attorney General had reason to believe that they might coerce or threaten a voter.

Mr. President, I ask unanimous consent to have printed in the RECORD the proposed amendment designated as part IV. A casual reading of this part of the bill will clearly reveal how it can be used to intimidate election workers and influence or control elections.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catch line of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, three new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Provided, that any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

Mr. O'MAHONEY. Mr. President, let me say to the Senator from Pennsylvania, by whose indulgence I have spoken, that the Senator from North Carolina [Mr. ERVIN] wishes to ask one question.

Mr. MARTIN of Pennsylvania. Mr. President, I wish to proceed with my address. I ask unanimous consent that my address appear in the RECORD following any questions concerning the amendment offered by the distinguished Senator from Wyoming [Mr. O'MAHONEY]. I have certain commitments; and I am very sorry that I cannot yield further.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Without objection, it is so ordered.

Mr. O'MAHONEY. Mr. President, let me say to the Senator from Pennsylvania that I, too, have some commitments which I must meet. The Senator from North Carolina has said he wishes to ask one question, which will take very little time.

Mr. DOUGLAS. Mr. President——

Mr. MARTIN of Pennsylvania. Mr. President, I shall agree to postpone my remarks long enough to permit 1 question to be asked by the Senator from North Carolina [Mr. ERVIN] and 1 question to be asked by the Senator from Illinois [Mr. DOUGLAS].

Mr. ERVIN. Mr. President, I merely wish to allude to the statement made by the distinguished Senator from Wyoming [Mr. O'MAHONEY], namely, that when a defendant is deprived, in a criminal-contempt case, of the right of trial by jury, there is a risk of offending the constitutional guaranty of the right of trial by jury. I wish to call the attention of the Senator from Wyoming, and the attention of the Senate generally, to the case of Hedden against Hand, which will be found in volume 107, Atlantic Reporter, at page 285. In that case the Court of Appeals and Errors of New Jersey held that an act of the New Jersey Legislature which attempted to deprive a man of his constitutional right of trial by jury, by converting a crime into an equity case, was unconstitutional I wished to call that to the attention of the Senate, so the Senate might see that the question raised by the distinguished Senator from Wyoming on that point is a serious one.

Mr. O'MAHONEY. I thank the Senator from North Carolina for the citation. There is no doubt at all in my mind that the bill which came to the Senate from the House of Representatives was designed to transfer criminal cases to the civil docket; and that the Attorney General was asking the permission of Congress to institute injunctive cases for the purpose of punishing, without a trial by jury, not only identifiable officers or registrars who may have denied a voter the right to vote or the right to register to vote, but also unidentifiable persons who have been alleged to participate in contempt.

Mr. President, at this time, in compliance with the statement of the Senator from Pennsylvania, the Senator from Illinois desires to ask a question.

Mr. DOUGLAS. Mr. President, do I correctly understand that the Senator from Pennsylvania [Mr. MARTIN] permits me to ask a question similar to that asked by the Senator from Georgia [Mr. RUSSELL]?

Mr. O'MAHONEY. Mr. President, I am sure the Senator from Pennsylvania will not propose to be a censor; and I resent the imputation of the Senator from Illinois that the Senator from Pennsylvania wishes to be a censor.

Mr. DOUGLAS. I do not impute that, but I wish to have the ground rules established.

Does the Senator from Pennsylvania yield to me, to permit me to ask a question similar to that asked by the Senator from Georgia [Mr. RUSSELL]?

Mr. MARTIN of Pennsylvania. Mr. President, I wish to be fair and courteous to everyone.

Mr. DOUGLAS. I appreciate that.

Mr. MARTIN of Pennsylvania. I was called from downtown; I was told that no Senator was then ready to address the Senate, and I was asked whether I was prepared to speak. I have certain commitments which I must meet. Again I ask that I be permitted to proceed with my address, and to have it printed in the RECORD following any questions or comments which may be made concerning the amendment which has just been submitted by the Senator from Wyoming [Mr. O'MAHONEY].

The PRESIDING OFFICER. The patient Senator from Pennsylvania has the floor.

(Mr. MARTIN of Pennsylvania thereupon addressed the Senate on the subject of the fiscal and economic policies of the United States. Pursuant to the order of the Senate, his remarks appear subsequently in the RECORD, under the appropriate heading.)

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The Senator from Illinois.

Mr. DOUGLAS. Mr. President, we have now listened to the third edition of the O'Mahoney amendment.

On the 8th of July, when the Senate, by definitive vote, voted to take up and proceed to consider the civil-rights bill and then refused to send the bill to committee, the Senator from Wyoming [Mr. O'MAHONEY] with quite a fanfare submitted a so-called jury-trial amendment.

Upon analysis, it was found that the amendment provided for a jury trial on all disputed questions of fact. The amendment was hailed by certain sections of the press as a great forward step of moderation.

Upon analysis, however, it soon became evident that virtually all issues of fact could be disputed, that the mere plea of "not guilty" transformed cases into disputes of fact, and that therefore, in practical effect, the first edition of the O'Mahoney amendment would have provided for jury trial in all contempt cases under this bill.

As the debate developed the advocates of jury trial evidently felt a little puzzled. On the 17th of July the Senator from Tennessee [Mr. KEFAUVER], whose devotion to good legislation is known to all, announced he would introduce another amendment, and that afternoon the Senator from Wyoming [Mr. O'MAHONEY] submitted the second edition of the O'Mahoney amendment, and later discussed that edition of the amendment at some length, on the 24th and 25th of July.

It soon became evident that the second edition of the O'Mahoney amendment would in practice also transform virtually all cases of contempt into jury-trial cases, because by the mere act of noncompliance the defendant would be entitled to a jury trial.

This was clearly demonstrated by the questioning which the Senator from Pennsylvania [Mr. CLARK] and the Senator from Colorado [Mr. CARROLL] carried on with the Senator from Wyoming.

If I may mix my metaphors, when that balloon was shot down, I expected that there would shortly be a third edition; and so it has happened. Today the Senator from Wyoming launched a third amendment. While I have not had the time to study it in great detail, because it has been suddenly unveiled before us, I think there are certain things which are fairly obvious.

In the first place, as the Senator from Wyoming and the Senator from Tennessee have themselves stated, this is an across-the-board amendment, applying to all types of cases, and to all laws to which the system of injunctions and contempt proceedings, like those provided in the present bill, also applies.

When I submitted a brief on this subject on the 18th of April, I listed no less than 28 statutes under which the identical procedure was established that was proposed in the civil-rights bill as it came over from the House. Since then attorneys whose counsel I have had have found a number of additional statutes, with similar enforcement provisions, and I shall submit this additional list later. So now what the Senator from Wyoming is proposing to do is to amend the enforcement procedures under more than 30 statutes of the United States.

Mr. LONG. Mr. President, will the Senator yeld?

Mr. DOUGLAS. I will yield for a question, but I am developing my point. I should like to yield only for a question.

Mr. LONG. Does the Senator know of a single case in which trial by jury has been denied under Federal law for the reason that a jury would probably find the defendant not guilty?

Mr. DOUGLAS. That is not the purpose here.

Mr. LONG. Has not the Senator himself made the argument that southerners should not be permitted trial by jury because juries might find them innocent?

Mr. DOUGLAS. No. What I said was that we could obtain a greater degree of justice in contempt proceedings in civil-rights cases in the South by having these questions decided by judges, who, because of life tenure, are partially insulated from the passions and prejudices of the community in which they live, than by juries selected from carefully culled lists, from which Negroes are commonly excluded. Such jurors, at the conclusion of their service, are compelled to return to the communities whence they came, and are subjected to the social, economic, and at times physical, pressures of the community around them.

Mr. LONG. The Senator is saying what he said before, I take it, which is that juries in the South might find the defendant not guilty, and the Senator hopes to convict persons whom a jury would find innocent.

Mr. DOUGLAS. No. What the Senator from Illinois is saying is that, on the whole, a greater degree of justice can be obtained from southern judges in such cases than from southern juries.

Mr. LONG. Does not that amount to saying that the Senator wants to deny white southerners the right of trial by jury because he fears juries would turn them loose?

Mr. DOUGLAS. Not at all. The aim is justice.

Mr. LONG. Is not the Senator saying, in a backhanded way, that he wants defendants to be tried by a judge, without the right of trial by jury, because he fears a jury would turn them loose? Certainly if the Senator has not said it, many others who are advocating this proposed legislation have been saying it.

Mr. DOUGLAS. Of course, there are southern juries which would render justice, but, on the whole, the selection of southern juries is largely such as to exclude Negroes from their composition.

Furthermore, the jurors serve for a temporary period of time, and when their term of service is up, they go back into their home communities, and there in many areas, if a verdict of guilty has been brought in against white defendants, pressure in the community—social, economic, and at times physical—will be exercised against such jurors. In general, such a situation would, on the average, cause them to depart from the paths of justice. That is all the Senator from Illinois says.

Mr. LONG. Does not that mean basically that what the Senator is saying is that he would like to have such defendants tried by a judge, without a jury, because he believes a jury would probably turn the defendants loose?

Mr. DOUGLAS. No. I say that a greater approximation to justice will be effected by having such contempt cases tried, as is the custom and usual practice for contempt cases, by southern judges rather than decided by southern juries.

Mr. LONG. Does not the Senator mean by a "greater approximation to justice" that he believes that southern white people would be found guilty by a judge, whereas a jury would find them innocent?

Mr. DOUGLAS. Guilty white persons might be more likely to be found guilty of contempt by southern judges than by southern juries, but an innocent white person would probably not be found guilty by a white southern judge.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. It seems to me that the emphasis all the way through in the questions by the Senator from Louisiana is that someone is guilty, and someone is to be punished. It occurs to me that what we should be seeking is not a way to expand the area of criminal prosecutions, but rather a way to expand the area of persuasion, to expand the area of observance, rather than the area of enforcement of law.

I have noticed that the whole weight of the argument on the part of opponents of the bill is directed at enlarging the area of criminal contempt and criminal prosecution. I respectfully say, after having read every bit of the debate, that as we look at the question day after day, that is exactly the emphasis which has been made. Civil proceedings permit an individual to comply with the law, and at the same time protect the honor and integrity of the court.

As I once stated on this floor, all the talk about contempt is based upon the fact that someone is contemptuous. The way to get rid of contempt is not to be contemptuous, but to abide by the law.

Mr. DOUGLAS. Mr. President, the Senator from Louisiana is very dear to me personally. However, I am afraid he and his colleagues have what the Freudians would call a guilt complex—namely guilt weighing so heavily upon them that they worry about what will happen to a guilty violator of a Federal injunction. I am afraid that what they want is to get him off at all costs, so that as a result there will be no deterrent against improper actions.

Mr. ERVIN and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield, and if so to whom?

Mr. DOUGLAS. I had hoped to be able to proceed with my criticism of the O'Mahoney amendment. May I be permitted to go forward? Then I shall yield, at the conclusion of my remarks.

Mr. President, what the third edition of the O'Mahoney proposal amounts to is a proposal in effect to amend over 30 Federal statutes. These statutes, which are enforced by injunctive proceedings instituted by the Attorney General or other Federal officials in a manner identical with that provided in the House bill, are as follows:

The antitrust laws.

The law relating to associations engaged in catching and marketing aquatic products.

The law relating to associations of producers of agricultural products.

The Atomic Energy Act.

The law relating to bridges over navigable waters.

Violations of the Clayton Act.

The law relating to electric utility companies.

The law relating to dissemination of false advertisements.

The law relating to freight forwarders.

The Fur Products Labeling Act.

The law relating to enclosure of public lands.

The law relating to investment advisers.

The law relating to gross misconduct and gross abuse of trust by investment companies.

The law on the use of a misleading name or title by investment companies.

Violation of statutes governing SEC by investment companies.

The Fair Labor Standards Act. That is most important.

The Longshoremen's and Harbor Workers' Compensation Act.

The law relating to the restraint of import trade.

The Wool Products Labeling Act.

The Securities Act.

The Securities Exchange Act.

The law relating to stockyards.

The law relating to submarine cables.

The law relating to the sugar quota.

The law relating to water carriers in interstate and foreign commerce.

The Flammable Fabrics Act.

The National Housing Act.

In addition, I am informed that there are eight more acts, which I shall make available in the RECORD when they are more fully identified. In other words, the Senator from Wyoming has suddenly introduced on the floor of the Senate, without hearing, a widespread proposal which would change the methods of enforcement of a whole galaxy of statutes.

It reminds me of the old fable of the birth of Athena, the Goddess of Athens,

who was supposed to have sprung from the brow of Jove full panoplied at a single stroke. Jove was swelling in his forehead. His forehead was tapped, and out sprang Athena, who became the Goddess of Athens.

In a similar fashion, our well-beloved Jove from Wyoming brought out from his teeming brain a widespread amendment of fundamental United States statutes, far-reaching in their implication, and they come, supposedly, full panoplied like Athena herself.

However, Mr. President, all this has been done without a hearing on the full implications of this proposal and without consideration of the sweeping changes it would make in enforcement of Federal statutes. A matter so important as this should receive careful consideration.

It is much better for us to move in the trodden paths and to carry out another act along the same line that the numerous existing acts are being carried out. Then, if it should develop that changes are needed in any one act, or in all the acts, we should let the Judiciary Committee pass on this as a matter of general law. Then we should consider whether a complete or a partial change needs to be made.

The Senator from Wyoming and the Senator from Georgia [Mr. RUSSELL] did not want to have us deal with the question of civil rights without the Judiciary Committee being given an opportunity for the 18th consecutive month to consider the question as it applies to civil rights.

I believe the Judiciary Committee should consider this question of injecting jury trials into contempt proceedings under all these laws after the civil rights bill has been passed in its present form. Then if any fundamental change is needed in the statutes, appropriate action can be taken.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I will yield after one more sentence. There is no need for any fear on the part of our southern friends that the Judiciary Committee will be antagonistic to the South. Our southern friends in effect control the Judiciary Committee.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I agreed to yield first to the Senator from Louisiana.

Mr. LONG. The Senator knows several things, and I am sure he also knows that the majority of the Senators who serve on the Committee on the Judiciary are not southerners, and in that respect the southerners on that committee do not control the committee. They happen to be in the minority on that committee.

Mr. DOUGLAS. They have powerful leadership positions, and they have allies, however.

Mr. LONG. In the second place, the Senator is complaining about a proposal being made without its being first studied by the Committee on the Judiciary. Yet the Senator from Illinois is one of the Senators who led the fight to bring this whole bill to the floor of the Senate without its being acted on by the Committee on the Judiciary.

Mr. DOUGLAS. Yes; because the present bill deals with only one specific subject, which can be clearly considered and adopted by the Senate, and we have been doing just that for a month. What the Senator from Wyoming is now proposing is however that well over 30 statutes in effect be amended in one fell swoop.

Mr. LONG. The Senator from Illinois voted to bring before the Senate, without committee hearings, a bill which is as broad as the ocean and as high as the sky. Now the Senator from Illinois is complaining about one amendment, because that amendment has not been studied by the Committee on the Judiciary.

Mr. DOUGLAS. The Senator from Louisiana was a distinguished member of the Navy during the war, and I appreciate the beauty of his aquatic reference. However, the pending bill has no such wide application as the Senator implies.

Mr. LONG. The bill does have such wide application. It refers to every conceivable civil right anyone can think of. At least it did in its original form. If the Senator will consult the American Jurisprudence, he will find more than 200 such rights detailed there.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JOHNSTON of South Carolina. Looking around the Chamber I note that I am perhaps the ranking member of the Committee on the Judiciary present in the Chamber. Perhaps I had better clear up a few things.

Mr. DOUGLAS. I shall yield only for a question.

Mr. JOHNSTON of South Carolina. I am putting this in the form of a question.

Mr. DOUGLAS. I am not yielding for a speech.

Mr. JOHNSTON of South Carolina. I will ask the Senator this question. He does not know, does he, what took place in the executive sessions of the committee?

Mr. DOUGLAS. I read into the RECORD a very thorough statement by the Senator from Missouri [Mr. HENNINGS], a member of that committee, to the effect that certain dilatory tactics were engaged in.

Mr. JOHNSTON of South Carolina. Does the Senator know that we did not take up one-fifth of the time that was taken up on the House floor in passing the bill?

Mr. DOUGLAS. That may well be.

Mr. JOHNSTON of South Carolina. We did more in 1 day than has been done on the floor of the Senate in 2 weeks. I wish to clear up another thing. Does not the Senator know that the southern Senators do not control the Committee on the Judiciary?

Mr. DOUGLAS. No; I do not know that.

Mr. JOHNSTON of South Carolina. If we did, does not the Senator think that we could have reported the kind of bill that we favor?

Mr. DOUGLAS. The chairman and the ranking majority member of the committee are southerners. However, there is, I believe, some sort of tacit liaison between them and other members of the committee. I do not say it is an illegitimate liaison, but it is a liaison nevertheless. Blessed be the tie that binds.

Mr. JOHNSTON of South Carolina. Does the Senator know that on the subcommittee there are only two Senators who were opposed to the bill in toto? That is 2 out of 7.

Mr. DOUGLAS. I believe a good many more Members would have been in favor of the bill if it consisted of nothing but a title and no contents. That is the kind of civil rights bill some Senators would like to see adopted—a bill with a title, but no contents, no digestive apparatus, no muscle, no bone, no vitals.

Mr. JOHNSTON of South Carolina. Does the Senator also know that we discussed for several weeks what kind of amendment should be agreed to with reference to jury trials?

Mr. DOUGLAS. I have the statement of the Senator from Missouri [Mr. HENNINGS] that dilatory tactics were employed in committee and that the committee never met more than once a week, and then sometimes only for a half hour.

The chairman's eye would apparently always catch the eye of the Senator from South Carolina, rather than the eye of the Senator from Missouri. Sometimes the chairman would catch the eye of the Senator from North Carolina, and they would proceed, in the charming fashion which endears them to all of us, on lengthy discussions and explanatory statements, all having the effect of confusing and of preventing action.

Mr. JOHNSTON of South Carolina. If the Senator from Illinois talks a few minutes longer, I think he will have taken up more time on the floor in a discussion of the bill than the Senator from North Carolina [Mr. ERVIN] and other Senators did in the committee.

Mr. DOUGLAS. If the Senator from Louisiana and the Senator from South Carolina continue to ask questions, that very likely will happen.

Mr. President, another point needs to be considered. A reading of the third edition of the O'Mahoney amendment indicates that criminal contempt occurs when there is willful disobedience and when there is punishment for past violation rather than an effort to secure future compliance. Let us consider what that means.

Suppose a Negro tries to vote on election day and is met by members of a white citizens' council or member of the Ku Klux Klan. Even though an injunction has been issued in advance to restrain them from intimidating the Negro, if the offense is committed on election day, that day will be over before the court can proceed to enforce the injunction. There can be no compliance, because time has moved on, and election day has passed. There can only be punishment for past violations, and the action, according to the third O'Mahoney amendment, becomes criminal contempt and, therefore, is subject to jury trial.

So, all cases of intimidation on election day, or in the days immediately preceding election which carry over into the election automatically, under the third O'Mahoney amendment become criminal contempt cases and are subject to jury trial, rather than subject to being handled as a civil contempt case by the judge himself.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. LONG. Does the Senator have knowledge of any such case of contempt which has occurred on election day at any time in recent years? Does the Senator know of any such cases which were cited by the Attorney General when he testified before the committee?

Mr. DOUGLAS. The Senator from Illinois placed in the RECORD this morning a very thorough report by the Southern Regional Council on the methods by which Negroes were "dissuaded" or intimidated from voting. The council pointed out that whippings, beatings, and murders are not so common now as they were in the past. That should be said to the credit of the South.

The council said that the methods now used are frequently far more subtle than they were; but behind the subtlety is frequently the possibility of violations. Violations are not unknown.

Mr. LONG. I happen to live in a Southern State. I have noticed that many magazines have pointed out that Louisiana has a higher percentage of registered Negroes than has any other Southern State. As a matter of fact, I imagine that Louisiana has a higher percentage of its electorate composed of Negroes than has any other State in the Union.

So far as I know, there is not a single case in Louisiana of someone intimidating a person of the colored race in order to prevent him from voting on election day. Neither do I know of a single case in which a person has violated any court order issued to protect a Negro in his rights. There have been some challenges of Negroes based on their qualifications to vote; but there has never been any voting case in which a person has been in violation of a court order or a court injunction.

Mr. DOUGLAS. The likelihood of an ordinary individual getting a court order, and that is the only way, now, in which an injunction can be obtained, is very slight, because such an individual is generally poor, weak, or destitute, and so is effectively barred from such action because he has to oppose the community all alone. Thus it is very difficult for him in practice to get a court order.

Mr. LONG. The colored individuals in Louisiana who have attempted to get such court orders have been very successful. A large number of students in the State University and in various State colleges have obtained such orders. The Federal courts have almost invariably acted in their favor on short notice.

Mr. DOUGLAS. Let us take a common method of violation. Suppose a registrar despite the issuance of a court order refuses to register a Negro applicant for voting. That is supposedly a case which would then be appropriate for the application of civil contempt, in which the further order of the court is aimed at obtaining compliance, and where it is said the registrar by compliance can purge himself of contempt.

But suppose the registrar refuses to purge himself, and then election day comes. Or it may be the day of the primary election. The day of the primary or the general election comes and passes, and the registrar is still in contempt. There is no possibility of getting future compliance, because the event is over.

Then further proceedings in the case become proceedings for criminal contempt, and under the O'Mahoney amendment the jury trial provision would hold.

Therefore, by dilatory tactics, registrars can string out the process until it becomes criminal contempt and, therefore, is subject to jury trial, according to the O'Mahoney amendment.

Mr. LONG. Does not the Senator realize that the judge could prevent such an occurrence simply by placing a time limit on the period which he gives the registrar to act, and saying, "You will register this person by noon tomorrow"?

Mr. DOUGLAS. Suppose the registrar does not do so.

Mr. LONG. Then the judge would call the registrar into court and would look at the registration book. If the person was not registered, the registrar could be put in jail and fined.

Mr. DOUGLAS. Suppose the registrar even then refused to comply.

Mr. LONG. He would stay in jail.

Mr. DOUGLAS. Once the day of the primary or the general election had passed, the possibility of compliance would be removed.

Possibly the chance of complying might even be removed when there was no longer a period for registration permitted even though the election had not happened. Then it would become a situation in which only criminal contempt would be applicable, and the jury trial would hold.

Mr. LONG. Certainly the Senator realizes, does he not, that registrars are honorable, law-abiding citizens? When they are told by a judge to do something, they are likely to do it. They are not a criminal element, who desire to be placed in jail or be fined by a judge for violating the law or violating the court's orders.

Mr. DOUGLAS. That was the text of the Senator from Wyoming [Mr. O'MAHONEY] yesterday, when he said, at page 11692 of the RECORD:

> We must not assume that they will disobey the law; we must assume that they will obey the law.

But today the Senator from Wyoming proceeds on a different assumption, namely, that they may disobey the law; and he proposes a new type of amendment for them.

Mr. LONG. The point is that if a person disobeys the law, under the civil procedure, the judge can lock him up in jail and can also fine him.

Mr. DOUGLAS. And if he still refuses to register the person, he can have a jury trial after the election or after the official period for registration has expired.

Mr. LONG. After the person has been in jail for a period of time, and after someone, perhaps, has paid a considerable fine on his behalf? I do not think the Senator needs to worry about that.

Mr. DOUGLAS. I really worry about it a great deal. And I believe it would be most unwise to remove the added deterrent to disobedience of the injunction which a criminal contempt proceeding before the judge would constitute.

Mr. LONG. I doubt that the Senator will find a single registrar who will relish the idea of staying in jail or paying a fine. Furthermore, the Senator has yet to produce a case in which a Federal jury has failed to uphold a contempt order of the court, when a criminal contempt case was presented to it.

Mr. DOUGLAS. Have there been many such cases? At present the Government cannot seek an injunction in such cases. It can only institute criminal proceedings after the fact.

Mr. LONG. I do not think the Senator will say that the Clinton, Tenn., case supports his argument. That was a case in a southern community, where southern citizens were accused of impeding the process of justice and of violating a court order. The Senator well knows that the same kind of jury about which he has been complaining found those defendants guilty. The verdict had to be unanimous.

Mr. DOUGLAS. I think the verdict in the Clinton case was very commendable; but, as I said earlier today, I do not think it is typical.

Mr. LONG. That is one good case to support the contention that the Senator from Illinois is in error. Can the Senator from Illinois cite any case to support the argument that he is right?

Mr. DOUGLAS. I have hitherto been very careful to refrain from a detailed analysis of the behavior of southern white juries where offenses against Negroes are involved. I have been very careful not to do so, because I did not want to arouse passions on the floor of the Senate, and I did not want to embitter the discussions.

I have in my files quite a collection of such cases, carefully winnowed, but I would prefer not to introduce them, because to do so would only stir up passion. I prefer to have this subject considered in a more dispassionate frame of mind.

If I am badly pressed, however, I may reluctantly be forced to introduce them, but I hope I shall not be.

Mr. LONG. I certainly am not asking for any quarter. The Senator from Illinois can bring out anything he wishes to bring out, whenever he cares to do so.

Mr. DOUGLAS. The Senator from Illinois is restrained by a more powerful force than even the opposition of the Senator from Louisiana. The Senator from Illinois is restrained by his own desire to preserve as great a degree of national unity as possible; that is a very powerful force which the Senator from Illinois hopes operates within his breast.

Mr. LONG. Mr. President, the point I should like to make with the Senator from Illinois is that a Federal court invariably has a very much wider sphere of operations than does a State court. I am aware of the point the Senator from Illinois makes, namely, that a jury may not be willing to return a verdict against a particular person, because of some friendly feeling or relationship to that person on the part of the members of the jury. But so long as the people of an area recognize the basic law, including the right of colored people to vote, a jury composed of persons selected from a fairly broad area—not a jury confined to the relatives or immediate neighbors of the person accused—can be depended upon to do the right thing in Louisiana, as well as in Illinois.

Mr. DOUGLAS. Of course, there have been some bad juries in Illinois, too.

Mr. LONG. Certainly the Senator from Illinois does not intend to deny the people of Illinois the right of trial by jury.

Mr. DOUGLAS. We are speaking of contempt cases, not criminal cases. There is no constitutional or general legal right to jury trials in contempt cases, whether civil or criminal, as the Senator from Colorado has shown.

Mr. LONG. I doubt that the Senator from Illinois would wish to deny the people of Illinois the right of trial by jury in a criminal contempt case.

Mr. DOUGLAS. We ask no special privileges for the people of Illinois. If citizens of Illinois are guilty of criminal contempt, we ask only that they be treated in the same way that all other persons in that situation are treated.

Mr. LONG. Certainly the Senator from Illinois has not yet supported, and I doubt that he will support, a proposed law, calculated to be of widespread application to his State, by means of which any large number of citizens would be deprived of the right of trial by jury. Certainly the Senator from Illinois would oppose any devious method——

Mr. DOUGLAS. No devious method at all is involved in this matter.

Mr. LONG. Certainly the Senator from Illinois would oppose the use of any devious method which would deprive any citizens of Illinois of the right of trial by jury.

Mr. DOUGLAS. Mr. President, to call this proposal devious does not make it devious. The proposal in the present bill is the time-honored method of dealing with contempt cases, both civil and criminal, in which the Federal Government is the moving party. We merely propose to continue something which already is carried out by more than 30 Federal statutes.

Mr. LONG. Certainly the Senator from Illinois knows that the only purpose, under the present proposal, of suing in the name of the United States Government and of making the case a matter of interest to the United States, rather than making it a matter of interest to a private citizen, is what I am addressing myself to, namely, to do away with the right of citizens to trial by jury, which right is protected by the Constitution; and certainly the Senator from Illinois has no purpose of having the Senate proceed by the method here proposed to void the time-honored tradition and spirit of the Constitution, under the guaranty stated three times therein, namely the guaranty that a citizen shall be entitled to a trial by a jury of his peers, when he is charged with the commission of a crime.

Mr. DOUGLAS. Mr. President, apparently the same point has to be emphasized again and again.

This bill would not take away any existing jury-trial right.

All that the bill will do by means of part IV—and all it would have done by means of part III, if that had been retained—will be to permit the Federal Government to obtain, in the case of the probable commission of an offense, or in the case of a continuing denial of voting rights, an injunction or order to restrain citizens from committing such unlawful acts, so that they will not occur, instead of compelling a poor, weak, socially declassed person from bearing the full burden of the suit.

This is all the more necessary in view of the antibarratry statutes which have been passed by five States, and in view of the likelihood that similar statutes will be passed by other Southern States, barring such persons from receiving outside financial help. The aggrieved persons are weak, and they are compelled to go up against the organized power of their communities. The Senator from Louisiana, who is a very kindhearted person, would say to the Federal Government, "Keep off. Do not come to their aid. Let them defend themselves with their own weakness."

Mr. LONG. Mr. President, the passage of this bill is certainly unnecessary, so far as Louisiana is concerned. Fifteen percent of the electorate of Louisiana is colored, whereas 15 years ago the figure was less than 1 percent. So it is obvious that Louisiana has made extremely rapid progress in enabling Negroes to vote.

Mr. DOUGLAS. I think the family of the Senator from Louisiana have done some very fine things for the State of Louisiana—among them was to require the large oil companies to pay higher taxes than they otherwise would have paid, and also to bring suffrage to the poor whites, and partially to the Negroes.

When the balance sheet of the Long family is struck, and when the members of the Long family face St. Peter, these acts will be counted to their eternal credit; and I want them to receive some credit while the distinguished junior Senator from Louisiana is still on earth.

I hope that when he, in turn, faces St. Peter his record will be just as good in this respect as that of his father and that of his uncle. I know that the Senator from Louisiana is properly very proud of his father, and his father helped to bring suffrage to the Negroes of Louisiana.

Mr. LONG. Insofar as any member of the Long family succeeded in contributing to the registration of the Negroes and the poor whites—and I may say that the repeal of the poll tax in Louisiana resulted immediately in almost doubling the electorate——

Mr. DOUGLAS. And I have said that is so.

Mr. LONG. But insofar as my father succeeded in helping our State make progress in that direction, he certainly did not have to deny other citizens their fundamental constitutional rights, including the right of trial by jury, in addition to other rights guaranteed by the Constitution.

Mr. DOUGLAS. Mr. President, I hope the talents of the Senator from Louisiana will be enlisted in the same cause for which his father worked, namely, to endeavor to make further progress in striking from the limbs of Negroes and others in the South the shackles represented by disqualification from voting.

Mr. LONG. I hope that in making that progress we shall not have to deny other fundamental rights the citizens of the United States have.

Mr. DOUGLAS. If the Senator from Louisiana will vote against the O'Mahoney amendment, he will not be voting to deny any fundamental American right.

Mr. President, I wish to conclude, because I think the Senator from Colorado and the Senator from South Carolina seek the floor.

Let me say that I now have the information that some of the other acts, in addition to the 28 that the latest version of the O'Mahoney amendment would affect, are the Civil Aeronautics Act of 1938, the Motor Carrier Act of 1935, various railroad statutes, the Shipping Act of 1916, various labor statutes, and so forth; and over the weekend I think we shall find some other acts, as well. So, the enforcement procedures under well over 30 statutes would be amended by the newest O'Mahoney amendment.

Mr. President, when I see the Senator from Georgia [Mr. RUSSELL] rise and hail the Senator from Wyoming [Mr. O'MAHONEY] and enthusiastically support the third version of the O'Mahoney amendment, I am reminded of the old saying, "Beware of the Greeks bearing gifts." [Laughter.]

Mr. LONG. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. Does the Senator from Illinois apply the same logic to some of the fine compliments he has heaped upon the Senator from Georgia upon occasion?

Mr. DOUGLAS. I have great respect for the Senator from Georgia. But I know what a determined, wily, and resourceful foe he is of the civil-rights bill; and when we find him praising the O'Mahoney amendment, I say we had better button up our pockets and look closely at the fine print in the bill. [Laughter.]

Mr. President, I hope the Senate will subject the latest O'Mahoney amendment to the closest scrutiny.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. Yes; I am glad to yield to the Senator from Alabama.

Mr. SPARKMAN. I have been greatly interested in the colloquy between the distinguished Senator from Illinois and the distinguished junior Senator from Louisiana. I wish to say that I think much of the argument made by the distinguished Senator from Illinois, my friend——

Mr. DOUGLAS. I am glad that the Senator from Alabama admits this, because I have the deepest affection for the Senator from Alabama, but I have always been reluctant to express this admiration publicly lest I hurt him in his home bailiwick.

Mr. SPARKMAN. Let me assure the Senator from Illinois he need not be afraid of that, because even though he and I differ greatly on this particular pending legislation, I have a very high regard for him and his ability as a statesman and as a very able legislator; but I think much of the argument, not only on the part of the Senator from Illinois, but among a great many people throughout the country, is based on a misunderstanding and misinformation. Certainly, there are bad pockets to be found in the South, just as there are in the North. I dare say I could come to the State of Illinois and find bad pockets with respect to registration and voting.

Mr. DOUGLAS. That is undoubtedly true.

Mr. SPARKMAN. And undoubtedly the Senator from Illinois could come to Alabama and find some more bad pockets.

Mr. DOUGLAS. There are more of them in the South; that is all.

Mr. SPARKMAN. They are probably not such big pockets when they are found. If numerous, they are small, whereas in the North they are small in number, but tremendous in size.

I received a letter a few days ago from a registrar in my section of Alabama, and she said this, if I may quote a paragraph or two:

As for the colored people being persecuted in the South, I wished so many times this past Monday, for the Senators who claim we won't let them vote, could have had a glimpse of the inside of our historical old courthouse in Tuscumbia——

Mr. DOUGLAS. Does the courthouse have wisteria growing on it, may I ask?

Mr. SPARKMAN. It certainly has wisteria or ivy, one or the other; the Senator can be assured of that.

By the way, the courthouse is located within a block or two of the birthplace of Helen Keller, one of the most distinguished and noble women of the world.

I continue to read from the letter:

as we registrants worked from 8 in the morning until 6 in the evening. Monday was the last opportunity for registering for a local county election, we have coming up the 13th of August. Throughout the day there were double lines of applicants that reached from the office door, to the outside steps of the courthouse. Every applicant was served as his time came, be he white or colored, just as it should be. Every person received the same courtesy, the same consideration, the same admonishing—

And so forth. She continues:

No qualified applicant was turned down.

Listen to this:

Since I have been on the registrants' board (October 1955) only one colored person has been turned down—she had served a term at Wetumpka.

That is the women's prison. In other words, she had been convicted of a felony.

We told her if she could get her citizenship restored, we would be glad to register her.

The lady writes a great deal more.

By the way, if the Senator from Illinois will permit me to say this, I believe on June 20 he placed in the CONGRESSIONAL RECORD a list of counties in the various Southern States, including those in Alabama. One of the counties listed as not having a single Negro registered in it happened to be the county where I grew up. I knew the statistics about that county could not be true, because ever since I was a boy I have known Negroes who voted there. So I called up the probate judge recently with respect to the matter. I am referring to Morgan County, which is included on the list which the Senator put into the RECORD, which list showed that 4,600 Negroes were eligible to vote and were of eligible age. I asked the probate judge about it.

He said, "I can refer you to four boxes right off." The judge had had an inquiry about the question, and he had looked into the matter. He said, "By the way, in the old box where you used to vote, precinct 10, box 10, there are more Negro voters in that box than there are white voters. Of 148 voting in that box, 60 are white and 88 are Negroes."

In beat 1—that is Decatur—box 3—which is in the heart of the city of Decatur—there were 350 voters, of whom 226 were white and 124 were Negro.

In beat 1, box 18, there were 267 voters, of whom 177 were white, and 90 were Negroes.

Away out in the country at Valhermoso Springs, 20 miles away from the county seat, there were 203 voters, of whom 147 were white and 56 were Negro.

That was a total of 358 Negro voters in just 4 boxes.

I asked the judge if he could estimate the total number of Negro votes in that county. He said over 1,500. Yet it has been spread all over the country that there is not a single Negro voter in that county. Based upon those figures, the estimate for Alabama is given as 53,000.

Mr. DOUGLAS. Those are registration figures, not the number who voted. The number who actually voted will be very much less.

Mr. SPARKMAN. Registrations. I wish to say that I am sure that the figures which have been cited to the contrary are just as wrong as they can be.

I may say, in all fairness to the Senator from Illinois, that I do not know whether the total figure as to Alabama actually can be checked, because most of the counties, in the State of Alabama, I am told, do not list their registrants by color. I am writing to the secretary of state asking her to give me the best information she has available. I am certain the figures which have been given by others are wrong. Surely, if Morgan County is any example at all, it shows just how wrong that kind of information can be.

I appreciate the generosity of the Senator from Illinois in letting me place this information in the RECORD. I have discussed it with him, and I know he is anxious that the RECORD speak the truth.

Mr. DOUGLAS. Mr. President, the figures which I placed in the RECORD were drawn from the report of the Southern Regional Council, which is a southern organization composed of members both of the white and colored races. Its headquarters are at Atlanta, and the organization is made up of some of the most distinguished citizens of the South.

The council collected these figures by sending field agents into every county of the South, some 1,000 counties. The figures are made up from material which the field agents collected. Of course, in collecting statistics in 1,000 counties, there naturally will be some errors. If the figures for Morgan County are wrong, which the statement of the Senator from Alabama indicates they may be, we shall be glad to correct the record.

Mr. SPARKMAN. Not may be; they are incorrect.

Mr. DOUGLAS. Very well. We shall be glad to correct the figures. However, I submit that the total picture which is shown is substantially correct, namely, that a little more than 10 percent of the Negroes are registered in Alabama; 29 percent in Arkansas; 40 percent in Florida; 25 percent in Georgia; 31 or 32 percent in Louisiana; about 4 percent in Mississippi; it is hard to tell what the figure is for North Carolina for the data reported are incomplete; 25 percent in South Carolina; Texas has probably the highest ratio; and only 20 percent in Virginia.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. In many cases the Senator must recognize that great numbers of people are not registered simply because they have never made the effort. Certainly a State cannot be criticized where the individuals have never attempted to get on the rolls.

Mr. DOUGLAS. It is perfectly true that registration is cut down by ignorance and indifference, but it is also true that registration is cut down by coercive tactics, dilatory tactics, and outright barring from the rolls.

Mr. LONG. Of course, the Senator fails to state the other side of the case. There are a great number of Negroes in the South who are registered because of the deliberate efforts of the white people to get them registered. Sometimes it is for personal benefit, of course.

For example, in Calcasieu County in Louisiana the sheriff in a runoff election was facing the prospect of defeat. He had been very kind to the Negro people of that county, and he made a great effort to get them registered. The Negro registration increased by 4,000 between the first and the second primary election.

In many cases the colored voters are being qualified because the white people have made a deliberate effort to get them registered, to see that they could vote.

Mr. DOUGLAS. I hold in my hand a certified copy of the Colfax Chronicle of Colfax, La., Friday, October 12, 1956, which states:

GRANT COLORED VOTERS "PURGED" FROM ROLLS—MEMBERS OF CITIZENS COUNCIL TAKE ACTION THIS WEEK

Members of the white Citizens Council of Grant Parish worked in the registrar's office this week in a frank attempt to disfranchise the parish's 750 to 800 Negro voters on the basis of color alone before the November 6 election.

Mr. President, I ask unanimous consent that this quotation from the well-qualified Louisiana paper be printed at this point in my remarks.

There being no objection, the quotation was ordered to be printed in the RECORD, as follows:

GRANT COLORED VOTERS "PURGED" FROM ROLLS—MEMBERS OF CITIZENS COUNCIL TAKE ACTION THIS WEEK

Members of the white Citizens Council of Grant Parish worked in the registrar's office this week in a frank attempt to disfranchise the parish's 750 to 800 Negro voters on the basis of color alone before the November 6 election.

Louis Earle Stevens, secretary of the council, estimates that at least 90 percent of the colored registrations were challenged on the basis of being "incorrect" or "incomplete." Mrs. Horace Mosley, registrar, is sending the challenged registrants duplicate copies of the affidavits and citations requiring them to appear in person in 10 days to prove their right to remain on the rolls.

The action taken in "purging the rolls" followed a Citizens' Council meeting in Dry Prong at which Senator William Rainach, of Homer, Representative John S. Garrett, of Haynesville, State segregation leaders, and Raymond Masling, executive director of the Association of Citizens Councils of Louisiana, were present. (Fifty-two persons were present at the meeting, held last Thursday, Stevens says.)

According to W. J. B. Jones, of Colfax, council president, the group voted unanimously to undertake to clear colored voters from the poll lists.

THEY WERE UNANIMOUS

The decision—if any—was supposed to be taken at a board meeting, Jones said, but when the board meeting was called, following the regular meeting, Rainach urged others attending the meeting to remain.

"They wanted to cut the vote," Jones told the Chronicle, "and the board and the congregation voted unanimously to have it done." Members of the board at the meeting were Paul Haigler, ward 1, vice president; Ray Fuller and O. J. Lemoine, ward 6; H. B. Garlington, ward 3; J. F. and Cecil Cryer, ward 2; Johnny Kircher, ward 4; Aaron Capps, ward 5.

Stevens says that ward 8 was represented by some members, although not by any board member; and that ward 7 was the only ward not represented.

COMMITTEE APPOINTED

Pursuant to the vote to cut the rolls, Jones appointed the following committee to attend to the matter: Garlington, chairman; Stevens, Lemoine, and Fuller; and Herschel Nugent, Jack Cameron, and Virgil McNeely, of ward 1.

Stevens stresses, however, that the challenges were made by individuals, not by the council. (Most of the challenges being made out in the registrar's office are to be signed by Nugent and Lemoine; others are to be signed by Fuller and Lowe, Mrs. Mosley says.)

CHECKED ONLY COLORED

Monday afternoon and evening the committee members, assisted at various times by Masling, Jones, Frank Stewart, of Aloha, and Lanny Fletcher, a member of the Dry Prong school faculty, went through the registration cards checking only those filled out by colored registrants.

In accordance with advice they had been given by the State segregation leaders, they principally relied on three points on the card.

INCORRECT, INCOMPLETE

One statement on the card reads "I am not now registered as a voter in any other ward or precinct of this State except _____." Told that the correct word to put in the blank is "None" the challengers pulled all the cards where the blank was filled in with any other word (such as "Grant," which occurs most often) and certified them as "incorrect." Where the blank was left blank, that application was certified as "incomplete."

SOME WERE JUST "C"

Where, instead of writing out "colored" in the indicated space, the applicant simply put "C," the application was certified as incorrect.

If the application was all right up to here, the person's age in years, days, and months (which must be shown) was refigured and often found off by a day or so. (Other points were also checked in some instances.)

ONLY VICTOR ADAMS

In a check made by the Chronicle on Tuesday of the first 100 white registrants in ward 1, only one card was found which would pass the above tests—that of Victor Adams. Ninety-five had the incorrect answer, or none, in the blank first referred to. Four (including school superintendent C. C. Belgard) figured their ages incorrectly.

In a further check made by the Chronicle, not one member of the Citizens' Council committee had a card which would pass the tests. Virgil McNeely stated that his color is "w," as did Nugent, Garlington, and Stevens. The others misfigured their ages or gave the wrong answer, or none, to the question about being registered in any other ward.

Lemoine, according to several acquaintances, lives in Colfax in ward 1 but votes in ward 6.

Mr. LONG. Mr. President, the Senator knows that the paper is out of date, does he not?

Mr. DOUGLAS. It is an issue of last fall, October 12, 1956. That is only 8 months ago.

Mr. LONG. Does the Senator know that is a weekly newspaper from which he is reading?

Mr. DOUGLAS. It is the Colfax Chronicle.

Mr. LONG. Does the Senator happen to have available a copy of the next week's edition, to see what happened after that time?

Mr. DOUGLAS. What did happen?

Mr. LONG. What happened was that there were a considerable number of colored people who were challenged. Several hundred were.

Mr. DOUGLAS. The Senator from Louisiana admits, then, that the facts reported are correct?

Mr. LONG. If the Senator will wait a minute, I will give the Senator the facts. Approximately 800 colored people were challenged, either because the correct address was not given, the name was not properly listed, or they had failed to fill out the registration blank as required by law.

Mr. DOUGLAS. Which is a very complicated registration blank.

Mr. LONG. From that group, 600 came in to identify themselves. The law requires that persons whose qualifications have been challenged must present 2 witnesses to vouch for the fact that they do live in the community. Those 600 or so who complied with the law were immediately put back on the rolls. Almost everyone who came back in and identified himself was retained on the rolls.

There were about 200 people who did not get back on the rolls. Those 200 did not come in to present themselves.

The Senator should know that Louisiana, like any other State, has a law which provides that a person who has reason to doubt the qualifications of a person to vote, or reason to doubt that such a person actually exists, or reason to doubt that the person lives in the community, has a right to challenge the qualifications of such registered voter.

He can insist that such a person's name be taken from the rolls. A colored man can challenge a white man, exactly as a white man can challenge a colored man.

Mr. DOUGLAS. It is extraordinary to find the Senator from Louisiana defending this method of the white citizens council, because I see a column here which says that throwing those persons off the rolls was a method of the anti-Long forces in Louisiana.

The Senator from Louisiana is very forbearing to come to the aid of his political opponents, who have disenfranchised the Negroes for their own political reasons. I think these people had the right to vote, and I would not discriminate against them because they are pro-Long.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ALLOTT. Was that in Monroe County?

Mr. LONG. No, that was not.

Mr. ALLOTT. I should like to inquire as to what happened in Monroe County, Ala.

Mr. DOUGLAS. They threw about 3,500 out in that county.

Mr. LONG. May I proceed further, Mr. President, if the Senator will yield?

Mr. DOUGLAS. I yield.

Mr. LONG. I do not approve of anyone's attempting to disenfranchise a person or challenging a person's qualifications because of a person's race.

Mr. DOUGLAS. That was precisely what was done in the case I mentioned.

Mr. LONG. But nevertheless any person has the right to challenge any voter who is not properly qualified. Whether or not the person is prejudiced in doing so is completely beyond the point, because he is completely within his rights legally. A Negro has just as much right to challenge a white man as a white man has to challenge a Negro.

Mr. DOUGLAS. Yes, I know. Yes. We can see the plantation Negro challenging the owner of the plantation and saying he is not qualified.

The statement of the Senator from Louisiana about the equality of Negroes and whites before the law reminds me of that phrase in Anatole France's novel, The Red Lily in which he says:

> The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.

Mr. LONG. The Senator will want to be somewhat fair and present the full picture. The junior Senator from Louisiana as an attorney was successful in making a small amount of money practicing law. While he practiced law, a considerable portion of his income was derived from suing on behalf of colored clients. In most of those cases the clients did not have to pay the court costs, because we have a law in Louisiana which says that a poor man who sues can sue without paying the court costs if he certifies he cannot pay them.

Mr. DOUGLAS. I have always had a high opinion of the junior Senator from Louisiana. As I have said, I think his family in certain respects has done a great deal for the people of Louisiana. I am not attacking the Senator from Louisiana. I like him and I believe he is in general an extremely good Senator. I have said so publicly both in Louisiana and in the North. He is, however, grievously wrong in regard to this bill. I simply think we are in a situation in which, on the whole, Negroes are discriminated against.

Mr. LONG. If the Senator will yield further, certainly the Senator will recognize that any good State law must permit at least the challenge of a person who is not properly on the registration roll. That sword cuts both ways. It has been used against the faction with which I have been associated on occasion, and it has been used to our advantage.

I know in the city of New Orleans, in years gone by, the opposition seemed to have tens of thousands of persons registered who really had no place on the registration rolls. Success in Louisiana in that section depended upon whether one could challenge the names that had no right to be on the rolls, because such persons did not exist or did not live in the community.

People do have the right to challenge the qualifications of voters. The important thing is, if the voter's qualifications are challenged, does he have an opportunity to be treated fairly by the registrant and to be reinstated on the rolls?

I do submit that in Colfax, to which the Senator refers, if the Senator will follow through he will find there was no showing that the registrant did not act fairly and did not fully meet her obligations.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. Will the Senator permit me to answer the Senator from Alabama, and then I shall yield?

Mr. HUMPHREY. Yes.

Mr. ALLOTT. Mr. President, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. I am in the position of a lot of people in the South. I have some moral rights, but I do not have any legal status at the moment.

It is my understanding that we were to proceed in accordance with the list which is on the President's desk, and some hour and a half ago I permitted the Senator from Illinois to take the floor, and others have kept him engaged in colloquy. He was to have the floor for about 5 minutes.

I should like to propound the inquiry as to when I might reasonably be expected to have a chance to address the President, and to have the President recognize me.

Mr. DOUGLAS. Mr. President, may I say I would have been through in 10 or 15 minutes if my friends from the South had not risen to raise objections and criticisms and so on so—

> Thou canst not say I did it; never shake
> Thy gory locks at me.

Mr. ALLOTT. I do not believe my locks are gory at all. I should like to suggest that I would like to have an opportunity to speak before the sun comes up.

Mr. DOUGLAS. Yes. May I say I shall conclude just as soon as my friends from the South will permit me.

Mr. ALLOTT. I have to recognize the fact that the senior Senator from South Carolina has the same moral rights that I have to the floor ahead of me.

Mr. DOUGLAS. May I say that I shall conclude just as soon as I can put in the RECORD a few remarks about the statement by my good friend, the Senator from Alabama, concerning the way in which Negroes are permitted to register in Alabama.

I hope the Senator will permit me to read some excerpts from a document I introduced earlier in the day, about the customs in the State of Alabama, which comes from the Southern Regional Council:

> The Alabama consultant directed a field survey in each of the counties in his State. According to these reports:
>
> Negroes might be treated courteously, as in Bullock County, Ala., where the board of registrars has received Negro applicants pleasantly, let them fill out forms, then told them they didn't pass—with no reasons given. In this county, with 5,423 Negroes of voting age, only 6 were registered in the summer of 1956. In 1953, more than 100 attempted to register; in 1955, only 20 even tried and of these 19 were refused. One of the six registered succeeded only on his seventh trip to the board.
>
> In other counties of central Alabama, like Bullock, Negroes encounter greater difficulty. This is the Black Belt section of the State, so called because of the dark rich soil, an area where 15 counties have populations over 50 percent Negro.
>
> Among these is Dallas, where only 275 of the 18,132 Negroes of voting age are registered.[1] In 1956 alone, at least 350 were turned down. Some reported that they filled out questionnaires 3 or 4 times but still were not sent registration certificates. Many reported they were given no help in filling out forms although white applicants were. One Negro teacher who registered was fired allegedly for being "too smart"; this frightened many other teachers.
>
> Marengo, another county in the Alabama Black Belt, simply seems to have stopped registering Negroes. Of 10,223 eligible, 170 were registered before the Supreme Court decision calling for an end to segregated schools. This, plus formation of a local citizens council, is reported to have hardened the lines of white resistance to Negro equality and to have put the brakes on Negro registration.
>
> In Monroe County, Ala., where 140 of the 5,914 Negroes of voting age are registered, other hopeful applicants said more often than not they found the board of registrars had "misplaced the application forms" or told them to return later. Registrars in Hale County, where 130 of 7,036 eligible Negroes are on the voting roll, have turned down 300 in the past 2 years for "failure to fill out forms correctly."
>
> One Negro teacher in Alabama said she was refused because she didn't know the address of her estranged husband. Many Alabama boards require two voters to vouch for all Negro applicants and some require Negroes to produce white character witnesses. Registrars in one county where about 2 percent of nearly 7,000 Negroes over 21 have registered announced that a "good white man" must accompanying Negro applicants.

I come now to the city of Birmingham. In general, in the South Negroes vote more in the cities than in the country districts. However, this is the statement with respect to Birmingham:

> Birmingham and surrounding Jefferson County present one of the gloomiest pictures for Negroes in the South. In no other major city of the region has it been so difficult for them to vote. Only about 7,000 of 121,510 Negroes over 21 are registered; at least that many more have been turned down. Instead of the standard form and the character witnesses, Jefferson County registrars have employed another method unique in the State; added questions about government. They might ask on what date the 10th amendment to the Constitution became effective, what was the 14th State to be admitted to the Union, on what date did Oklahoma change from a Territory to a State? They have recognized no limits to their power to interrogate. While Negroes have been the board's main target, white union members, particularly if they wear overalls or work clothes, have reported that they sometimes find registration difficult or impossible. Negroes appearing before the board often have been questioned for from 35 to 40 minutes; they have had to line up separately, and the longer the line the longer the questioning.
>
> In Macon County, Ala., home of famed Tuskegee Institute, many college trained Negroes have found the barriers impregnable. Negroes outnumber white persons about 5 to 1; of the 14,526 of voting age, 1,100 have registered. By contrast, the Associated Press reported in April 1956 that 2,700 out of a total Macon County white population of 5,000 had registered, or that fewer than 100 white persons over 21 had failed to do so. An Alabama observer said that the board of registrars would sit until all white citizens interested had registered and then resign. In any event, for the major part of 1956, there was no board in the county, for two of the three members resigned and it takes at least two to transact business. This was at least the third time in a decade this had happened.

May I point out that Tuskegee Institute probably has one of the most highly cultivated Negro populations in the country. Those people are college trained, economically secure, and well paid.

[1] Registration figures used are those of 1956.

The veterans hospital, manned by Negro doctors and nurses, is also on a high cultural and economic level.

Those people have been debarred from voting. Recently the town limits of Tuskegee have been gerrymandered so as to exclude Negro voters.

All this moreover has been practiced against a segment of the Negro population which has never sought social integration. Booker T. Washington, the founder of Tuskegee, always said that he wanted economic and educational opportunities for the Negroes, but, as he said in his famous Atlanta speech in 1895, Negroes would be in cultural matters as the fingers of the hand, separate. These Negroes have never asked for integration.

The great George Washington Carver, when he spoke before white audiences, would always go in the back entrance, and would not eat with the white citizens. This is a community in which probably the cultural level of the Negroes is superior to the average cultural level of whites. Economically also, they are on a high level. And yet this is what is being practiced upon them.

I have a great respect for the Senator from Alabama. It is only natural that he should defend his State. But when he brings in a beautiful picture of the courthouse, with the wisteria growing on it, and the sweet lady who registers everyone who comes, I think the other side of the picture should also be shown.

Mr. President, unless there are questions, I should like to yield the floor.

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield.

Mr. SPARKMAN. As I stated in the beginning, of course there are certain places in the State of Alabama where conditions are not what they should be. However, one listening to the report of the Southern Regional Council would get the idea of a blanket all over the State, which I say is inaccurate. Remember, it was the Southern Regional Council which stated that there was not a single registered Negro in Morgan County. The probate judge tells me that there are at least 1,500.

Mr. DOUGLAS. There may be errors here and there, but in general the statements are correct.

Mr. SPARKMAN. The Southern Regional Council sets the figure of 10 percent, but it is bound to be wrong, because the basic figure is wrong.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, I should like to oblige the Senator from Colorado and the Senator from South Carolina. I am willing to yield, however, because I think it is ungracious for a Senator to decline to yield. I hope my friends, the Senator from South Carolina and the Senator from Colorado, will not hold it against me if I do so.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. There is no disposition on my part to prolong the debate.

Mr. DOUGLAS. I understand.

Mr. HUMPHREY. I shall make an effort to clarify certain points. We try to accommodate each other. There is a list at the Presiding Officer's desk, which represents an accommodation, and which is not exactly within the rules of the Senate. However, I abide by the accommodation procedure. I believe in it.

The point I raise is that in all the arguments as to how many are registered in Alabama, Illinois, Minnesota, South Carolina, Georgia, or any other State, I gather that all of us in the Senate believe that everyone who is of eligible age ought to vote. I hope no argument can be interpreted in any other way than that we believe in the full application of the 15th amendment. If we believe in the 15th amendment—and we all took an oath to uphold and defend the Constitution—we must remember that it provides that—

> the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Section 2. Congress shall have power to enforce this article by appropriate legislation.

I cannot see for the life of me why anyone should object to a right-to-vote act, which makes it possible to make a living reality out of a theoretical right.

We are not seeking to punish anyone. I want that position made quite clear. The purpose of the proposed legislation is not to fill jails. The purpose is to permit people to fill ballot boxes, one vote at a time, for each citizen.

That is the purpose. The purpose of the legislation is not punitive. The purpose of the legislation is preventive. The purpose is to prevent an abridgement of law. Therefore all that we are seeking to do is quite simple. If we shed tears and have pathos in our voice because some dear old lady or elderly gentleman or a youth has been denied the right to vote, by all that is good and holy and true why do we not put such a law on the books? Why do we not put on the books a law that will check those who are denying that right to those people?

How can any Member of the Senate feel, when he knows of even one voter who has been denied the right to vote anywhere in the country, that a law which would protect that right is wrong?

All we are asking for under the bill, particularly section 4, is just that; we are saying that if there is a denial of that vote by a registrar or an election official or other citizen, a Federal judge has the duty to enforce the law to protect that right, and to issue a restraining order on the individual who would step in the path of persons seeking that right, or interfere with the right of a potential voter.

The minute that Federal judge puts such an order into effect with reference to another person, all that that person need do is quit interfering with the judge's order and with the man's right to vote. I repeat that the best way to keep out of a contempt proceeding is to keep away from doing a contemptuous thing. When people insist upon interfering with constitutional rights, it is the duty of Senators and Representatives and governors and sheriffs and other officials to protect those rights.

If even only one voter is denied the right to vote, it is the duty of the Government of the United States in Federal elections—and I want to make that quite clear, that we are talking about Federal elections—to step in and protect the right of that citizen. I say that should be done even if only one voter is involved.

How do we best do it? We are not going to call out the troops to do it. We are not going to drop any bombs. The best way to do it is the peaceful way.

Who is the most peaceful of all peaceful men? It is the man who puts on the robes of a judge. He is the man who, in a sense, holds the scales of justice in his hand; who seeks not to punish, who seeks in no way to deprive anyone of his rights, but who seeks to dispense justice. That is the judge, Mr. President. That is the Federal judge, in this instance.

As the Senator from Illinois has stated, it is the Federal judge in the area where the act takes place. If it is in the South, it is a southern judge. If it is in the North, it is a northern judge. He is the judge who is being asked to act. I hope the American people know that all we are seeking to do is to make sure that if some rowdy or some arrogant local public official refuses to do his duty and interferes with the constitutional right of a person to vote, a Federal judge, who stands as the symbol of the United States, as the symbol of our Republic, can say, "Stop. Let this man vote." All in the world that that individual has to do is to be decent. All that he has to do is to act like a normal citizen. All that he has to do is to perform his duty. If that is what he does, there is no punishment. That is all. What is easier than that?

Mr. DOUGLAS. I should like to yield the floor after I say two more sentences.

Mr. JOHNSTON of South Carolina. Mr. President, I am asking for the regular order. I have been sitting on the floor for an hour. I have been trying to make a speech. I was supposed to have spoken even before the Senator from Illinois was recognized. He has the floor, and of course I cannot keep him from speaking as long as he wishes to speak. However, so far as any other Senator is concerned, I shall insist on the regular order, if the other Senator makes a speech, instead of asking a question.

Mr. HUMPHREY. Mr. President, a point of order. Does the rule govern recognition by the Chair, or is recognition based on the list at the desk?

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The Chair will state that rule XIX provides that the Presiding Officer shall recognize the Senator who has risen and first addresses the Chair. The rule takes precedence over a list at the desk when a demand or point of order is made.

If a Senator, whose name is not on a list of speakers, first addresses the Chair and is recognized, he will have precedence over the Senator whose name is on the list who has not addressed the Chair.

Recognition according to the list is usually followed as a matter of accommodation and courtesy, but it is not binding as against the rule.

Mr. DOUGLAS. The Senator from Texas, the occupant of the chair, is one

of the ablest lawyers in the Senate. He is apparently well acquainted with the rule, and was well acquainted with it when he recognized the Senator from Illinois some time ago, because the Senator from Illinois was on his feet before either the Senator from Colorado or the Senator from South Carolina was on his feet.

The Senator from South Carolina was not in the Chamber, as I remember.

The Senator from Illinois, therefore, obtained the floor in his own right, not by stealth or by any devious process. He will yield only for a question, because the Senator from South Carolina is correct on his point. I shall yield the floor after I have said two more sentences.

Mr. CARROLL. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I shall yield, provided it is a question.

Mr. CARROLL. Is it not true that the Senate has been listening to a legalistic debate for 2 weeks?

Mr. DOUGLAS. The Senator is correct.

Mr. CARROLL. Is it not also true that the time has come when we should begin presenting facts to the American people?

Mr. DOUGLAS. I think that is true. That is what the Senator from Illinois has been trying to do.

Mr. CARROLL. Is it not true that appearing in the CONGRESSIONAL RECORD of July 25 there appears, as introduced by the distinguished Senator from Illinois, an article from the New York Times magazine entitled "Southern Negroes and the Vote—The Blot Is Shrinking, but It Is Still Ugly"?

Mr. DOUGLAS. The Senator is correct. That was a summary of the report of the Southern Regional Council, and today I have put in the RECORD in much greater detail, material dealing with the entire South. If the Senator from South Carolina wishes, I shall be very glad to yield to him for a question with respect to the State of South Carolina, and to put into the RECORD the situation in the State of South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator from Illinois whether he thinks he knows more about what is going on in South Carolina than does the Senator from South Carolina.

Mr. DOUGLAS. No; but I do have the excellent statements of the Southern Regional Council.

Mr. JOHNSTON of South Carolina. I will give the facts with reference to South Carolina when I speak.

Mr. CARROLL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield only for a question.

Mr. CARROLL. Is it not true that the time has come, in the late hours of this debate, when we must begin to ask ourselves the question: Is there not a necessity for the type of legislation which is pending before the Senate with reference to the right to vote?

Mr. DOUGLAS. I think it is very necessary.

Mr. CARROLL. In order to make a determination of that question, is it not true that we should begin to examine facts in any section of America where American citizens are being denied their constitutional right to vote?

Mr. DOUGLAS. I have always thought that legislation and court decisions should take cognizance of the facts. I know that this is regarded as heresy in some legal circles, but it has always seemed to me that facts are appropriate to life and to the law.

Mr. CARROLL. Mr. President, I desire to commend the Senator from Illinois for making a clear presentation of the factual situation as it relates to the pending legislation.

Mr. DOUGLAS. Mr. President, now I should like to yield the floor with these two thoughts, which I have not uttered.

If Negroes in the South do vote in great number and profusion, and with the full exercise of the suffrage, as the Senator from Alabama and the Senator from Louisiana have implied, why do our southern friends fear this legislation? If what they say is correct, it will not be necessary for the Government to apply the law to the registrars and election officials and others in Alabama or Louisiana. If the Negroes do not vote in accordance with their constitutional right, however, this legislation is needed.

Mr. President, we have had the first edition of the O'Mahoney amendment, the second edition of the O'Mahoney amendment, and now the third edition of the O'Mahoney amendment, and we may, I believe, confidently expect that the fourth, fifth, sixth, and seventh editions of the O'Mahoney amendment will be forthcoming in due course.

Mr. President, I yield the floor.

FISCAL AND ECONOMIC POLICIES

Mr. MARTIN of Pennsylvania. Mr. President, no nation is rich enough or powerful enough to maintain a strong, sound, and expanding economy in the face of continued depreciation of its currency.

Over and over again in world history, great nations have been brought to destruction by fiscal and monetary policies which destroyed initiative, robbed the people of incentive, and placed upon their backs a crushing burden of debt and taxes.

I am sure we are all agreed that the present high level of prosperity, with the gross national product at an alltime high, with more people employed than ever before, with personal income at its highest peak, cannot long be maintained unless we have the will and the wisdom to curb the inflationary pressures which are bearing down upon us.

Personally, I am convinced that inflation is the worst internal danger confronting the American people today, and I find encouragement in the widespread and increasing public concern which has been expressed over rising prices. The damaging effect of inflation is reaching into every business, every industry, and every household in the United States.

Experience has shown that there is no limit to human desire for goods and services, but there is a limit to the means by which these desires can be satisfied.

We must remember that even though we are the richest Nation on earth, there is a limit to our resources. We are not rich enough for everyone to have everything he wants. Therefore, when the Government attempts to carry out competitive political promises, and undertakes to supply all the wants of groups and individuals, the cost inevitably exceeds available revenues.

In that event, higher taxes and increased debt are the natural consequence, and inflation is brought on unless a definite policy of curtailing our financial and economic excesses is adopted. This calls for fiscal and monetary discipline and a high level of official responsibility, but it is the only safe course.

Mr. President, in stating the objectives of the current hearings being conducted by the Senate Finance Committee, its able and distinguished chairman, the senior Senator from Virginia [Mr. BYRD], made it clear that the committee has undertaken to make a complete and thorough study of the financial condition of the United States, including revenues, bonded indebtedness, contingent liabilities, interest rates, management of the public debt, and the availability and distribution of credit.

Such a program, of course, cannot be limited only to the financial operations of the Federal Government, but must also consider their impact, favorably or unfavorably, upon the whole financial and economic life of the entire Nation, private as well as public.

The immediate occasion for this study, so Senator BYRD stated, "is the existing credit and interest situation and, more important, inflation, which has started again with its ominous threat to fiscal solvency, sound money, and individual welfare."

All these important and intricate matters constitute a large order indeed. Especially is this true when so many divergent views prevail concerning the interpretation of the same set of facts, and when even the validity of facts themselves is so often in dispute.

If only we could call upon a single person—all-knowing, unbiased, and nonpolitical—in whom we all had complete confidence, and who could give us all the correct answers to the problems and questions that are embraced in the committee study.

I am sure no Senator on the committee or any other Senator would presume to qualify for such an assignment.

To date we have heard but one witness, Secretary Humphrey. He presented a very considerable volume of information and gave his interpretations thereof, as they pertained to the work of the committee. He did not profess to have all the answers, nor did he claim that all his actions as Secretary of the Treasury were precisely correct as to timing or degree. He professed no crystal-ball foresight. He acknowledged also that there is always the possibility of Monday-morning quarterbacking, even as to minutest details, in spite of the fact that overall performance has been good.

Much has been said on this floor as to the increase in interest rates, availability of credit, the shortening of the average term of the public debt, and related matters. On these matters Mr. Humphrey was questioned extensively and in detail. His responses were full and complete. In the discussion which has taken place on the floor of the Senate. I note that much of his testimony has been overlooked and ignored, even though, in my opinion, it was entirely responsive, satisfactory, and adequate in every respect.

I should like to add at this point that we have been fortunate to have a man of Mr. Humphrey's outstanding ability and courage as Secretary of the Treasury.

I recognize that those who have quite different philosophies as to the role of Government and who favor other policies in our economic affairs would naturally be critical. That is their privilege.

However, it is not my purpose to debate Mr. Humphrey's testimony at this time, nor the considerable volume of testimony given by the members of the committee in their interrogation of the Secretary. I see no point in turning the hearings into a general debate on the Senate floor, since the Senate is already fully concerned with other matters.

Also, I would remind the Senate that the complete record of the first and only witness is not yet available to the members of the committee.

Many tables, charts, statements, and other materials were submitted for the record by the witness or by members of the committee. These, in their proper context, will not be available for study until the proceedings are printed. And the record at this point covers only the testimony of one witness.

I hope every Senator will read carefully the information developed in the detailed interrogation of the Secretary over a period of 14 days.

Furthermore, much of the interrogation to date has related to monetary policy and other matters which are not in the province or responsibility of the Treasury. Of course, this merely reflects that monetary policies affect the private economy and Treasury activity at the same time. It demonstrates that debt management and interest rates cannot be intelligently and fully discussed without a thorough review of monetary policy. These in turn are influenced by other Government policies, such as taxing and spending, as well as by the level and trends of economic activity as a whole.

Mr. President, these are further reasons why I do not think that a piecemeal debate of the testimony of individual witnesses as they appear before the Finance Committee will best promote the work it has set out to do. I stated, at my earliest opportunity in the hearings, that I intended to cooperate with the chairman and all the members of the committee on the problems of inflation, debt management, interest rates, and the many other matters affecting the welfare of all the American people. I consider these matters as of first rank importance. They should not be encumbered in any degree by partisan, sectional, group, or private interests.

Mr. President, I do not propose to diagnose here and now the origin or cause of the various economic problems, real or fancied, that one hears about at every turn. Neither, it naturally follows, do I wish to prescribe any sure-fire remedies or cure-alls. Certainly, enough of the latter are being offered, ranging all the way from no restraints to a fully controlled and regimented economy as to prices, wages, investment, and so forth.

Rather than diagnose or prescribe, I should prefer to raise some questions which I hope will stimulate discussion among my colleagues.

The problems which confront us are the threat of continued inflation, management of the public debt, interest rates, and availability of credit. These problems would seem to be economic effects, arising from many causes, vaguely understood by some, clearly by others—or so it would appear.

Consider then inflation, which to my mind, is our worst internal danger. However, is there agreement that inflation is an undesirable trend in the economy? Apparently not. One school of thought contends that a 2 or 3 percent inflation a year is good for all concerned. At least, they argue that it represents a lesser evil, as against some increase in unemployment on the one hand, or direct control of wages and prices on the other.

Then, by deduction, does it follow that full or relatively full employment is incompatible with a stable price level? Does full employment create inflationary pressures as to wages, prices, availability of materials, and so forth? If so, are countermeasures of decreased Government spending, increased taxation, or monetary restrictions adequate, appropriate, and timely enough to ward off inflation? Can annual wage increases be absorbed by industry through increased investment and productivity, or has this proved to be impossible? Can it be that profits and interest payments have created the recent inflationary trend? If, as the inflationists contend, a 2 percent or a 3 percent inflation is better than the alternatives, would it not be just and fair that all personal incomes be put on a cost-of-living basis to offset this inflation? If not, why not?

I hope my colleagues will give due consideration to these questions. To me the suggestion of a continuing 2 or 3 percent annual inflation is frightening. Personally I feel that such an inflationary course would eventually destroy the value of the American dollar.

To the sophisticated economist the questions I have raised undoubtedly will be considered very elementary, indeed. However, in their defense I offer a London dispatch to the Wall Street Journal of July 19 which reads in part as follows:

Is inflation the inevitable price of full employment?

This is a lively question in Britain today. For the steady erosion in the purchasing power of the once proud pound sterling is one of the darker spots in a mixed economic picture. It now takes at least 3 pounds to go as far as 1 pound would have gone before the war. It has been officially stated that the depreciation in the purchasing power of the currency since 1946 has been almost 40 percent.

The result is a variety of undesired and undesirable consequences. British Government securities are at record low prices. Trustees of investment funds are selling out Government securities and shifting heavily to common stocks. The general distaste for fixed interest securities is impairing London's long-established reputation as a center of banking and insurance.

I interrupt my reading of the article to relate one of my experiences of many years ago. As a young soldier serving in the Philippines, I learned the strength of the pound sterling and also the strength of the American dollar, based on gold. I noted then that the British pound and the American dollar were more eagerly sought by the merchants with whom the soldiers were dealing than were any other currencies of the world, including their own domestic money.

Again I quote from the dispatch, which continues as follows:

The impact of inflation is felt unequally. The organized workers have been pushing up their wages faster than the rise in the cost of living, and a good deal faster than their own productivity.

So serious is the situation that the Government a while back issued a white paper, or official report, entitled: "The Economic Implications of Full Employment." The concluding sentences pose a problem comparable in difficulty with squaring the circle: "We all want full employment and we all want stable prices. But we have not yet succeeded in combining the two. The experience of the past 10 years has shown that, the fuller employment is, the more likely prices are to rise; but the Government does not believe that there is any inevitable conflict between the two objectives."

A high official in the Treasury, expressing a personal opinion, was less optimistic. "The fundamental cause of inflation," he said, bluntly, "is the full employment policy. Formerly there were alterations of boom and slump, falls as well as rises in the price level.

"Now, with job openings equalling and sometimes exceeding jobseekers, with profits generally high, wage claims are pressed with more force and resisted with less energy. Add to this high Government spending and a big program of internal investment and you get the background of our price level that moves only in one direction: upward."

Continuing further, the article states:

It is clear that reasonable internal stability is a precondition of making the pound fully convertible on foreign markets. The Eden and Macmillan Cabinets have been doing whatever was possible by monetary methods. The bank rate (the equivalent of the Federal Reserve discount rate) was raised to an unprecedented 5½ percent and is still at 5 percent. But, as the editor of a British weekly suggests, these brakes are much less effective in an age when some big industries are nationalized, when the Government is committed to the maintenance of full employment, and when Government spending is at a high level.

What it all comes down to is that people want full employment and expensive social services, but do not like the inflation which accompanies these modern trends.

It will be a great economic statesman who can devise a formula for full employment and a stable price level. So far no such statesman has appeared.

That is the end of the article, Mr. President, and with merely the change

of a few words, this article could just as well have had the dateline of Washington, D. C. However, I do not offer this as proof of anything—it is more by way of illustrating and emphasizing my questions.

Interest rates and availability of credit are components of what has come to be characterized as tight money.

Does the phrase "tight money" come into usage because the quantity of money and credit has been contracted? The evidence seems to be to the contrary. Then why does the situation arise?

It is suggested by some that with employment at an alltime high and other production figures at or near their peaks, the demand for money is greatly increased. "Tight," then, appears to be a relative term for expressing the supply-demand relationship.

How tight is money? Rates on commercial paper are currently about 4 percent compared with 6 percent in 1929 and 7½ percent in 1920. Most foreign central bank rates are higher than those in the United States. In fact, in a ranking of 54 countries, showing the cheapest rates at which business firms of highest credit standing can borrow money on an unsecured basis, the United States rate is lowest of all, about 4 percent. Thirty-seven of these countries are experiencing rates of 6 percent up to 12 percent and even higher. Can it be then that rates are only high in contrast with selected periods and places and low in comparison with others?

Tight money implies the quantity should be greater and rates of interest lower.

What, then, is the correct volume of money and the right rate of interest? By whom should this be determined and how put into effect? What criteria should be used in determining the supply and rates for money? Does tight money tend to retard of accelerate an inflationary trend?

If it retards, does the Government and the public generally lose or gain when their costs in the purchase of goods and services are balanced against their interest costs?

Under what conditions are Government securities more acceptable—lower interest rate with stable purchasing power or higher interest rate with price inflation? Are not all investors in bonds more interested in stability in purchasing power than in interest rate?

Does not the fear of continued inflation influence investors away from longer term bonds in favor of short-term bonds and other forms of investment?

In what way would an increased money supply and lower interest rates check inflation?

Mr. President, it goes without saying that the success or failure of the inquiry into our fiscal and monetary situation depends upon whether or not we find the correct answers to these and many other questions.

The Finance Committee and the Nation are fortunate to have a statesman of the outstanding ability and understanding of the Senator from Virginia [Mr. BYRD] to lead us in this most important investigation. The people of the United States may have every confidence that under his fair, impartial, and courageous leadership, every area of potential fiscal and monetary danger will be thoroughly explored.

Mr. President, no war has ever been won without sacrifice. We will not defeat the forces of inflation without paying the price—but the cost of victory will be small indeed as compared to the disasters that could be inflicted upon us by runaway inflation.

In the war to preserve the economic health and strength of our Nation there will be casualties—and these may include political casualties—because there is no way of controlling inflation that will be universally popular. There is no magic formula. We cannot buy security, stability, and increasing prosperity on the easy payment plan.

VISIT TO THE SENATE BY EXCHANGE STUDENTS

During the delivery of Mr. DOUGLAS' speech,

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield to me in order that I may have the privilege of introducing 25 exchange students who are seated in the gallery?

Mr. DOUGLAS. I yield, with the understanding that I shall not lose the floor, and that the interruption will appear elsewhere.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I am most grateful to the Senator from Illinois. With his usual courtesy and generosity he has yielded in order that I may invite the attention of Senators to the fact that in the gallery are seated 25 exchange students, most of them from Germany, with 2 or 3 from Austria.

They have been in the United States for a little more than a year, living in the homes of Americans. They came to our country under what we call a student-exchange program. They are here today under the leadership of Mr. Leroy Doty, of the Church of the Brethren.

I have had an opportunity to visit with these young people this afternoon. We discussed the debate in the Senate. They are greatly interested in our processes of democracy. I tried to explain to them a little about this important controversy.

I said to them what I repeat here, that we are enriched by their presence in America, and we know that our young people who have gone to their countries have been enriched by their visits.

It is very gratifying to me to have the privilege of introducing these fine young people. I ask them to rise in order that we may greet them.

(The visitors rose in the gallery and were greeted with applause, Senators rising.)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Tribbe, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Farrant Lewis Turner, of Hawaii, to be Secretary of the Territory of Hawaii, which was referred to the Committee on Interior and Insular Affairs.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSTON of South Carolina. Mr. President, I am very much pleased that the debate on the pending subject has developed along the lines it has, because my prepared speech, documented with records, will answer a great many of the questions raised.

The Senate, and the entire world, for that matter, has heard a great deal about figures issued by the Southern Regional Council, Inc., dealing with the issues of how many Negroes in the South, including my native State of South Carolina, are alleged to have registered to vote or have been deprived of this right. These figures, too, were accompanied in many instances, as in the Washington Post of yesterday, with comments about how Negroes in the Southern States are coerced and otherwise prevented from registering and from voting. The extremely biased magazine, Time, in today's issue, has picked up these figures issued by the council for further propaganda.

Tables issued by the Southern Regional Council have been used at great length to allegedly show that Negroes are being deprived of the right to register in order to vote in the South.

These tables were inserted in the CONGRESSIONAL RECORD of June 10, 1957. Subsequently, they have been used in support of this bill in public statements and elsewhere—and, I might add, convincingly so to those otherwise uninformed of voting and registering conditions in the South.

However, Mr. President, I believe there are several points regarding the Southern Regional Council, its members, and officials, which have not been brought to light fully, and certainly there are some very important facts regarding their method of arriving at the figures they published, that should be fully aired.

I charge, Mr. President, that the figures used by the Southern Regional Council to attempt to show that Negro registration in the South is exceptionally low because Negroes are being deprived of the right to register in order to vote, are highly misleading, in error, and in fact were distorted purposely in order to slander the South.

In the first instance, Mr. President, let us take the figures issued by the Southern Regional Council as regards my own native State of South Carolina, with which I am most familiar.

Southern Regional Council states that in 1950 there were 98,890 Negroes registered, or about 25 percent of the Negro voting age population. The State of South Carolina, until the election law was amended this very spring, had never practiced or required the practice of indicating race or color on registration certificates in South Carolina.

If the Senator from Illinois and other Senators who have been speaking on this subject will kindly get in touch with us after the registration for 1958 has been completed, they can then ascertain the number of colored persons who are registered. But at the present time that information is not included in the registration at all.

Allow me to quote from a telegram from the secretary of state of South Carolina I received yesterday:

Voting registration in South Carolina is made without reference to race. Any figures given as to the number of colored or white registered is purely an estimate. There is no way insofar as this office knows that an accurate estimate could be given.

Mr. President, if the State does not require indicating on a registration certificate, or the records of those certificates, race, then how in the world can anyone determine how many people who registered were Negroes, or whites, or Indians, or what have you? It is impossible.

The Southern Regional Council stated, in issuing these figures, that they were compiled from official records and from best figures available.

In South Carolina, there were no records to go by at all. What I would now like to know is just what available figures did they use in determining registered Negroes in South Carolina? Did they use figures submitted to it by the National Association for the Advancement of Colored People? They claimed they took a field check of the 46 counties in South Carolina. Such a task would be as formidable as a general census-taking in that particular field. If they did, I am sure such a study in the Southern States would have taken more than the money with which the Ford Foundation provided the council, even though it received the largest amount ever granted by the foundation.

With this question in mind, I asked the Southern Regional Council for their system used in arriving at these figures. I now quote from the reply, which, in my opinion, is as broad as it is long, and still tells nothing as to the formula:

As our foreword reprinted in the RECORD at page 8610 states: "The attached material on Negro voter registration was compiled in the summer of 1956 from official records or from the best estimates available from reliable sources in each county." Since official figures are not available in South Carolina, we arranged for county-by-county field survey to gather best estimates. Estimated figures as published were derived from interviews with knowledgeable persons in each county. These estimates indicate total increase of approximately 20,000 over our estimate for 1952; 50,000 over 1947.

Now they claim they arranged for a county-by-county survey in South Carolina.

By the way, I have not heard of that survey, and I do not know of anybody there who knows anything about it.

Mr. President, there are 46 counties in my State.

Can Senators imagine a survey being made by an organization such as Southern Regional Council being anywhere near accurate The task of determining how many are registered by race in my State would be as vast an undertaking as would the counting of election ballots. I submit the figures, for the most part, were pulled from the air and are, in fact, as meaningless as an estimate of the number of grains of salt in the ocean would be.

The Southern Regional Council, according to the figures of John McCray, Negro 1953 State Chairman of South Carolina Progressive Democrats, a Negro organization, is far behind in the registration of Negroes. While the Southern Regional Council estimates 98,890 Negro registrants in South Carolina in 1956, Chairman McCray said in 1953 that 125,000 Negroes were registered in South Carolina at that time and that it was anticipated at least 250,000 would be registered in 1954 and that the ultimate goal of a drive to enlist Negroes on the registration books was 350,000.

Bear in mind, everyone registered after that date is entitled to vote. Registration started in 1948, and the certificates are good until 1958.

I shall now quote from an Associated Press dispatch of January 6, 1953, originating in Columbia, S. C., and distributed throughout the Nation on that date:

THREE HUNDRED AND FIFTY THOUSAND SOUTH CAROLINA NEGRO VOTERS GOAL TO BE DISCUSSED SUNDAY

COLUMBIA, January 6, 1953.—A goal of approximately 350,000 registered Negro voters in the State by the end of 1954 will be outlined here Sunday at a Statewide meeting of the South Carolina Progressive Democrats.

State Chairman John H. McCray said more than 7,000 members of the interracial organization are expected to attend.

Principal speaker will be Representative WILLIAM L. DAWSON, Democrat, of Chicago, Illinois. DAWSON, a Negro, is vice chairman of the Democratic National Committee.

McCray said his organization hopes to more than double the present State Negro vote he estimated at about 125,000.

Mr. President, there are several significant factors about this release that should be brought to the attention of the Senate in connection with the pending bill.

One is that the State chairman of an almost exclusively Negro organization should know more about the registration of the people of his race in his own State than some outsider playing a guessing game with figures, such as in the case of the Southern Regional Council.

Second, it seems obvious enough to me that there could be no coercement or other hindrance of Negroes in my State from either registering or voting in my State. The very ambitious nature of the registration program outlined in the story by McCray is proof that it must be very easy for a Negro to register in South Carolina—at least as easy as it is for a white person.

Third, I think it is obvious that if McCray, who is chairman of this Negro organization, had access to a worldwide news agency, such as the Associated Press, which is known for its wide and impartial coverage of events, he would have complained, at the time when he gave out the above statement, that Negroes were being deprived of an opportunity to register, if they were being deprived of that right.

Mr. President, again, on January 12, 1953, a news report emanating from Columbia, S. C., the capital of my State, reiterated the first statement made by Chairman McCray, namely, that their program had been launched to get the names of 300,000 Negroes on the registration books, so they could qualify to vote. I ask unanimous consent that a copy of this news dispatch be placed in the RECORD at this point, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FULL-TIME DRIVE FOR NEGRO REGISTRATION IS PLANNED

January 12.—A membership tax to finance a full-time program for registration of 300,000 Negro voters by 1954 will go into effect soon.

It will be discussed by the executive committee of the South Carolina Progressive Democrats, one-time Negro party now operating within the framework of the State Democratic Party since it won primary voting rights for Negroes in 1948.

Negro registration now is about 125,000, their leaders estimate. Chairman John H. McCray of the Progressives believes $10,000 a year will be raised in a $1 a year membership dues in the Progressives to finance more registration.

With a heavy Negro registration, a rally of the Progressives here yesterday was told the State's United States Senators and Representatives who will fight full citizenship for the Negroes can be met head on at the polls.

Mr. JOHNSTON of South Carolina. Mr. President, the public record is replete with stories, such as this one pertaining to the fair and impartial registration in the State of South Carolina. The record is also replete with figures from sources other than the Southern Regional Council, to indicate that their figures were purposely drawn up on the basis of a percentage a smaller than the actual one, in an attempt to misrepresent the South in connection with this issue.

The figure of 125,000 registrants, out of a qualified-to-register Negro population of 390,000 in 1953, is a far cry from 98,890 out of 390,000. 125,000 is nearly 35 percent of the Negro qualified-to-register population, whereas Southern Regional Council figures would suggest only 25 percent. This points up the vast margin of error in their figures.

As to charges of any deprivation of registration or voting rights in my State, I say they are all so much hearsay and propaganda.

I submit there has never been, to my knowledge—and I was Governor of South Carolina for 2 terms, and for 13 years I have been a Member of the Senate of the United States, and previously I served for 6 years in the South Carolina Legislature in the past 20 years,

any charge of such deprivation in my State by any individual voter or registrant or group of voters.

Mr. President, I should like to call attention to the fact that my State does not require the payment of a poll tax. Furthermore, in my State, a citizen does not have to enroll, in order to vote. All he has to do is obtain a registration certificate, which is good for 10 years. Any South Carolina citizen who has such a certificate can go to the ballot box on election day and can vote.

I now wish to quote from a telegram on this subject which I received yesterday from the attorney general of South Carolina. I believe his statement is as unquestionable as any statement yet made regarding registration and voting rights in South Carolina:

I have served 16 years as prosecuting attorney and 17 years in office of attorney general as assistant attorney general.

During this time no complaint has been made to me charging discrimination against any person of any race for violation of right to register and vote, in general elections. The South Carolina law is sufficient to protect right of suffrage for everyone regardless of race or color. Approximately 1,000 to 1,500 Negroes vote in one city ward in Columbia, S. C., in both party primaries and general elections. This constitutional right will be protected in South Carolina.

T. C. CALLISON,
Attorney General of South Carolina.

There is no doubt as to the completely erroneous nature of the set of figures issued by the Southern Regional Council.

Mr. President, I cannot speak for other Southern States as well as Senators from those States can. But I do know that in Alabama, as in South Carolina, there are no records or requirements showing the race or color of registrants; and neither are any such records available in Georgia or in Arkansas. At this time, I wish to read telegrams received from Gov. Marvin Griffin, of Georgia, from the secretary of state of the State of Alabama, and from the secretary of state of the State of Arkansas, on this matter:

Investigation discloses that no official records are kept or are available showing county by county breakdown on number of white and Negro registrants. The secretary of state, who has conducted a survey on registration, informs me that it is impossible to determine accurately any breakdown of registration by race in this State. There is no provision in the Georgia law which provides for the registration of voters by race or color. The figure used by the Southern Regional Council is not complete, nor does it represent any more than estimates given by officials as to the registration for the general election last year.

It is my opinion that if registration records showed the race of the registrant where it was possible to determine the total number in each racial group, the total registration figures for both white and Negro would be higher at the present time than the estimates announced last year by the secretary of state.

MARVIN GRIFFIN,
Governor of Georgia.

Retel today. No Alabama statute or registration form requires applicant for registration to indicate race or color. There are no official records reflecting percentage of Negro and white registered voters, although lists of registered voters submitted by some counties do indicate race. All figures published by any group are estimates only and unofficial.

MARY TEXAS HURT GARNER,
Secretary of State, Alabama.

No separate record is kept of Negro and white vote or poll-tax receipts.

C. G. HALL,
Secretary of State, Arkansas.

Mr. President, a very interesting situation exists in Virginia. Let me read a wire from the secretary of state of Virginia on this matter:

In re telegram July 24 desiring to know if registration for voting in Virginia requires the race or color of the individual voter. You also inquire if Virginia has any official record that would accurately reflect by county the percentage of Negroes and whites registered to vote. Virginia law requires the list of voters, white and colored men and women to be kept and arranged in separate books or records and this has been done for years.

Approximate number of Negro voters in Virginia in April 1957 was 89,146, and estimated number of whites as of same date was 848,037. Number of Negroes who had paid their capitation taxes as of May 4, 1957, was 121,607 and the number of whites who paid their capitation taxes as of same date 976,475. We have the figures which made up these totals by counties and cities and are forwarding this information by special delivery.

STATE BOARD OF ELECTIONS,
LEVIN NOCK DAVIS,
Secretary, Virginia.

As can be seen, in Virginia, there are 121,607 Negroes who had paid poll taxes and as a result were eligible to register and to vote. Yet of that amount, only 89,146 are registered to vote. What happened to the other 31,000 Negro eligibles for voting in Virginia?

I discussed this matter with the senior Senator from Virginia in his office, and I was told that there had been no complaint about persons not being permitted to register or vote.

Mr. President, they simply did not bother to register and to go to the polls, and that is about all there is to it. Southern Regional Council did not say how many, if any, of the 31,000 who did not vote made any appeal to any Virginia or Federal official that they were being deprived of voting by force or other means. But the Southern Regional Council, which reported 5,000 Negro voters less than those coming from the Virginia State Board of Elections, implies in general terms that great deprivations of registering and voting of Negroes exists.

Let us take a look at Louisiana. In the Washington Post on Thursday, July 25, and in Time magazine this week, it was reported, as coming from the Southern Regional Councils report, that Louisiana had the highest percentage of Negroes registered in the South, with 18 percent of the registered voters Negroes.

Mr. President, how ridiculous can one get? Their own report, placed in the CONGRESSIONAL RECORD, on June 10, admitted 25 percent of eligible Negroes of voting age in South Carolina were registered.

Mr. Douglas Fowler, director of the State Board of Registrations for Louisiana, called my office about this matter. He told me Negroes represented 14.8 percent of registrants in Louisiana as of October 1956. The fact is that in October 1940 Negroes represented only two-tenths of 1 percent of registered voters in Louisiana. By 1950 they represented 7.5 percent of registered voters, and in 1954, 13.5 percent. They have been steadily gaining in registration each year for the past 14 years, according to reports given me by Mr. Fowler.

Mr. President, I ask unanimous consent to place in the RECORD a table showing that in October 1940 the percentage of Negro registrants was two-tenths of 1 percent.

In October 1944, 4 years later, it was three-tenths of 1 percent.

In October 1948 the figure was 3.1 percent.

In October 1950 the figure was 7.5 percent.

In October 1952 the figure was 10 percent.

In October 1954 the figure was 13.5 percent.

In October 1955 the figure was 14.1 percent.

In October 1956 the figure was 14.8 percent.

I notice, from this table, that while the percentage of white registrants was 99.8 percent in 1940, the whites have dropped in their registrations.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Total registrants in Louisiana broken down to show white and Negro percentages

Year	White	Negro
October—		
1940	99.8	0.2
1944	99.7	.3
1948	96.9	3.1
1950	92.5	7.5
1952	90.0	10.0
1954	86.5	13.5
1955	85.9	14.1
1956	85.2	14.8

Mr. LONG. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I do.

Mr. LONG. I believe it should be pointed out that the figures to which the Senator is referring represent the percentage of voters by races. Actually, the number of white voters has not declined, but the percentage of whites, as against the overall total, has declined by virtue of a great increase in colored voters.

Mr. JOHNSTON of South Carolina. That is true.

Mr. LONG. I am glad the Senator put the table in the RECORD, because it illustrates a record which to me is satisfactory. Starting in 1944, the number of Negro registrants represented only three-tenths of 1 percent. During the course of a period of 12 years the percentage of the Negro registrations increased from three-tenths of 1 percent to almost 15 percent of the electorate. A person should regard that as a record of tremendous progress. Yet it is a record that many people are condemning, whereas the record defies their condemnation. As a matter of fact, the

colored population of Louisiana is about 31 percent of the total population. Even if the Negroes were as well educated and as well qualified, to begin with, the Senator would say half the job is done, would he not, and that has been accomplished in a period of 12 years?

Mr. JOHNSTON of South Carolina. That is true. We must bear in mind that the number of Negroes who began voting in 1940 was two-tenths of 1 percent. Every year the percentage has increased rapidly.

I should also like to call to the attention of the Senator from Louisiana and to the attention of the Senate that when we gave our fair ladies the right to vote in the United States, they did not rush in to vote the first year. It will be found that the number of women voters increased year by year. In the first 10 years the number of women voters did not increase much more than did the number of Negro voters in the State of the Senator from Louisiana and in my State. The same is true with regard to the colored people. If we leave them alone, and the number of voters keeps increasing, it will not be many years before their registration percentage will be about what it is for the white people in the South.

If there were any mass deprivation of voting or registration rights in Louisiana, there would have been no gain in registrations. There may have been some deprivations in Louisiana, but the fact is that all a person has to prove in Louisiana to be eligible to register and vote is that he is 21 years old and has lived in the State for at least 1 year. There are no poll tax or other prohibitions in that State.

It was found that some persons who tried to vote were not old enough to vote. It was found that some did not live in the precinct long enough. They had lived in the State, but had moved from county to county, and from precinct to precinct. Whether one is white or colored, he is likely to lose his voting right if he has not been in the precinct long enough.

Mr. LONG. If the Senator will yield, the laws of Louisiana require that certain forms be filled out, and they must be filled out correctly. The address must be stated correctly. The person must state his age correctly. He must submit certain information with reference to qualifications to vote. Anybody can make a mistake in filling out the application. As a matter of fact, when I tried to vote in Louisiana, when I was a law student, I failed to sign one of the books I was supposed to sign, and could not vote on election day. So that can happen to anybody. Anyone can have his right to vote challenged.

Mr. JOHNSTON of South Carolina. In any election I have seen 10 times as many white persons as colored persons challenged. Many times persons had registered for the box where they previously lived, and then had moved away from the precinct. When that happens, whether a person is colored or white, he is not allowed to vote until he has lived in the precinct a certain period of time.

I should like to say, also, for Louisiana, that there is no poll tax or other prohibition in the State of Louisiana.

Also, Mr. Fowler advised me there were adequate State laws to take care of any coercion or other deprivations of registration or voting in Louisiana.

Mr. President, at this point I wish to place in the RECORD telegrams from the secretary of state of Florida, the executive secretary of the State board of elections of North Carolina, and the secretary of state of Texas.

As indicated in these telegrams, these States do keep records from which the number of Negro and white registrants could possibly be estimated, although in North Carolina one apparently would have to search every registration book in the State for this information, according to that State's secretary of state.

Registration for voting in this State requires information as to color. Sending today registration figures as of general election 1956.

R. A. GRAY,
Secretary of State, Florida.

Retel secretary state. Registration books this State do have columns marked white and colored. There is no official record this office or elsewhere to our knowledge showing breakdown registration by race or sex.

R. C. MAXWELL,
Executive Secretary, State Board of Elections, North Carolina.

Replying to your telegram of today. Texas has no system of personal registration of voters. However, Texas constitution and statutes require payment of poll tax by those subject thereto as prerequisite to voting and article 5.14 of Texas Election Code requires showing of race in poll-tax receipt. Also, articles 5.16 and 5.17 require showing of race in exemption certificates. Under article 5.22, list of voters delivered to election board by county tax collectors required to show race of qualified voters. Thus, number of qualified Negro voters could be obtained from records of each county.

ZOLLIE STEAKLEY,
Secretary of State of Texas, Austin, Tex.

Mr. President, so much for the registration figures issued by the Southern Regional Council. I believe their figures are about as accurate as the organization's record is clean.

On May 15, 1957, the American Legion, in its publication Firing Line, which is devoted to exposing activities, organizations, and individuals supporting, related to, or involved in un-American activities, devoted most of that copyrighted paper to an article entitled "Southern Regional Council, Inc." The National Americanism Commission of the American Legion in that article had this to say about the Southern Regional Council:

Readers * * * of the Firing Line will recall that the council was identified as a "Southern Red front by Manning Johnson on March 8, 1957, before the State of Louisiana Legislative Committee on Segregation."

Still quoting from Firing Line:

Records of the American Legion reveal a definite trend of interrelationship between the Southern Regional Council and the Southern Conference for Human Welfare, a defunct Communist-front organization. According to the files of the National Americanism Commission, the following 16 former directors of the Southern Regional Council have been supporters of this aforetioned subversive organization: Charlotte H. Brown, Louis E. Burnham, George E. Clary, Herbert Davidson, J. M. Ellison, Clark H. Foreman, Guy B. Johnson, David D. Jones, George S. Mitchell, Howard W. Odum, F. D. Patterson, Edwin A. Penick, Homer P. Rainey, Ira DeA. Reid, Forrester B. Washington, and Aubrey Williams.

The files of the American Legion reflect the following 9 current Southern Regional Council directors have also been affiliated with the subversive Southern Conference for Human Welfare: Rufus B. Atwood, Paul R. Christopher, Rufus E. Clement, A. W. Dent, Benjamin E. Mays, H. Councill Trenholm, E. C. Peters, Josephine Wilkins, and Marion A. Wright.

At the conclusion of a 1954 investigation, the Senate Internal Security Subcommittee reported the Southern Conference Educational Fund, Inc. (of 822 Perdido Street, New Orleans 12, La.), was initially an adjunct of the Southern Conference for Human Welfare. After the exposure of the Southern Conference for Human Welfare as a Communist front, it began to wither and was finally dissolved, but the Southern Conference Educational Fund, Inc.. continued. The subcommittee found that after an objective study the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as its predecessor organization, the Southern Conference for Human Welfare.

Mr. President, I ask that Firing Line of May 15, 1957, on Southern Regional Council, Inc., be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. ALLOTT in the chair). Is there objection?

There being no objection, the document was ordered to be printed in the RECORD, as follows:

SOUTHERN REGIONAL COUNCIL, INC.

Beneficiary of the largest single grant ever awarded by the Ford Foundation's Fund for the Republic is the Southern Regional Council, Inc. (SRC), whose headquarters is located in the Wesley Memorial Building, 63 Auburn Avenue, NE., Atlanta 3, Ga. As of last year, the council received a total of $445,000 in support of studies and activities to promote interracial improvements in the South. According to the Fund for the Republic's 3-year report, dated May 31, 1956, page 22, the Southern Regional Council has concentrated on building strong State organizations, so that each of its groups will be able to stand on its own feet when fund support is terminated. (See the New York Times, December 16, 1956, p. 117.)

Founded in January 1944, as a successor to the Commission on Interracial Cooperation, Inc., the council's original corporation papers reflected its following objects and purposes: "* * * to organize and maintain a regional council for the improvement of economic, civic, and racial conditions in the South, in the endeavor to promote a greater unity in the South in all efforts towards regional and racial development; to attain through research and action programs the ideals and practices of equal opportunity for all peoples in the region; to reduce race tension, the basis of racial tension, racial misunderstanding, and racial distrust; to develop and integrate leadership in the South on new levels of regional development and fellowship * * *."

This document, filed in the Superior Court of Fulton County, State of Georgia, listed the names of five incorporators of the council as follows: Dr. Rufus E. Clement, Ralph McGill, and Bishop Arthur J. Moore, Atlanta, Ga.; Dr. Charles S. Johnson, Nashville, Tenn.

(now deceased); and Dr. Howard W. Odum, Chapel Hill, N. C. (See Petition of Incorporation, book 062, p. 64–67, January 6, 1944; and the New York Times, October 17, 1955.)

Today, the council has expanded its activities into 12 States. Virtually supported by the enormous grant from the Fund for the Republic, the Southern Regional Council has strengthened its head office in Atlanta and organized councils on human relations with interracial boards and staffs in the following States: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. (See Fund for the Republic 3-year report, 1956, p. 22.)

Formerly entitled "The Southern Frontier, Southern Regional Council's official organ is called New South, a 16-page monthly journal published in Atlanta, Ga. With the approval of the United States Treasury Department, the council enjoys tax-exempt status and all contributions to the organization can be treated as Federal income-tax deductions. According to a revised roster dated April 1957, the Southern Regional Council's board of directors numbered 78, which included some of the following as officers and staff members: Marion A. Wright, president; vice presidents, Gordon B. Hancock, A. W. Dent, and Paul D. Williams; Rufus E. Clement, chairman, executive committee; Joseph Haas, counsel; Harold C. Fleming, executive director; John Constable, director of information; and Florence B. Irving, research assistant. (See New South, February 1955, p. 1, and March 1957, p. 2.)

"RED FRONT"

Readers of the April 15, 1957, issue of the Firing Line will recall the council was identified as a southern Red front by Manning Johnson on March 8, 1957, before the State of Louisiana Legislative Committee on Segregation. The Firing Line report also revealed testimony which reflected the council was formed by James E. Jackson, a southern organizer of the Communist Party and is affiliated with the Mississippi Council on Human Relations.

Records of the American Legion reveal a definite trend of interrelationship between the Southern Regional Council and the Southern Conference for Human Welfare, a defunct Communist front organization. According to the files of the National Americanism Commission, the following 16 former directors of the Southern Regional Council have been supporters of this aforementioned subversive organization: Charlotte H. Brown, Louis E. Burnham, George E. Clary, Herbert Davidson, J. M. Ellison, Clark H. Foreman, Guy B. Johnson, David D. Jones, George S. Mitchell, Howard W. Odum, F. D. Patterson, Edwin A. Penick, Homer P. Rainey, Ira DeA. Reid, Forrester B. Washington, and Aubrey Williams. (See SRC publication "What Kind of South Do You Want?", undated, pages 7 and 8; New South, December 1946, pp. 25 and 26; The Southern Frontier, March 1944, p. 1; the New York Times, December 16, 1956, p. 117; HUAC, appendix IX, 1944, pp. 1589, 1595–1598; HUAC, report, Southern Conference for Human Welfare, 1947, p. 1; New York Journal American, November 7, 1955, p. 1; and HUAC, Guide to Subversive Organizations and Publications, 1957, p. 81.)

The files of the American Legion reflect the following nine current SRC directors have also been affiliated with the subversive Southern Conference for Human Welfare: Rufus B. Atwood, Paul R. Christopher, Rufus E. Clement, A. W. Dent, Benjamin E. Mays, H. Councill Trenholm, E. C. Peters, Josephine Wilkins, and Marion A. Wright. (See HUAC, appendix IX, 1944, pp. 1594–97; HUAC, Rept. Southern Conference for Human Welfare, 1947, pp. 1 and 15; and Daily Worker, May 20, 1947, p. 5.)

At the conclusion of a 1954 investigation, the Senate Internal Security Subcommittee reported the Southern Conference Educational Fund, Inc. (of 822 Perdido Street, New Orleans 12, La.), "was initially an adjunct of the Southern Conference for Human Welfare. After the exposure of the Southern Conference for Human Welfare as a Communist front, it began to wither and was finally dissolved, but the Southern Conference Educational Fund, Inc., continued." The subcommittee found that after 'an objective study,' the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as it predecessor organization, the Southern Conference for Human Welfare." (See Senate Internal Security Subcommittee, hearings, Southern Conference Educational Fund, Inc., 1955, pp. V and VIII.)

For the information of Firing Line readers, the following eight current directors of the council have been affiliated with the aforementioned Southern Conference Educational Fund, Inc., which was fully exposed in the July 1, 1955, issue of this publication: F. Woods Beckman, Blailsford R. Brazeal, Rufus E. Clement, James M. Dabbs, Charles G. Gomillion, Duncan Hunter, Benjamin E. Mays, and Josephine Wilkins. It may be of interest to recall that the former Southern Regional Council Director Aubrey Williams has been president of the Southern Conference Educational Fund since 1948. He was named as a member of the Communist Party during the Senate Internal Security Subcommittee's 1954 hearings. (See Senate Internal Security Subcommittee, hearings, Southern Conference Educational Fund, Inc., 1955, pp. VI, VII, and 102; and Southern Conference Educational Fund, leaflets and letterheads, 1953–56.)

Mr. JOHNSTON of South Carolina. Mr. President, the picture of this matter boils down to this. Figures compiled by an organization closely tied or related to a Communist front organization are being used in the United States Senate to attempt to shove this civil rights bill down the throats of the American people.

Mr. President, the record of the Southern Regional Council and its shady affiliates and tie-ins with red activites and fronts should be enough to convince anyone of the unreliability of its figures and of the probable design behind their creation.

These figures and accompanying charges were designed to slander the South, divide the Members of Congress, promote race hatred and generally confuse the picture. No doubt, some of the same people who promoted these figures will be the first knocking at the door of the Attorney General or the President's office for a job on the proposed Commission on Civil Rights if it is ever set up.

This bill, Mr. President, contains the vehicle by which people of the type of the Southern Regional Council and Communist front organizations can get into Government. They cannot get elected on their philosophies and programs, but they worm their way into the halls of Congress through such erroneous, generalized official sounding but shallow figures as the Southern Regional Council's report on registration and voting in the South.

Mr. President, I am ready to yield the floor unless there are some questions.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. DOUGLAS. I am very sorry that the Senator from South Carolina, who, in my experience, has always appeared to be fair, has made the statements which he has made, and which I am sure are not founded on fact.

Earlier in the day I introduced a statement, which will be printed in the CONGRESSIONAL RECORD of today at an earlier point, describing the history and composition of the Southern Regional Council. That statement will show that this council did not spring from the Southern Conference on Human Welfare, but that it sprang from the Committee on Interracial Cooperation.

Mr. JOHNSTON of South Carolina. Does the Senator deny that the same men were on the Southern Conference on Human Welfare?

Mr. DOUGLAS. I simply say that the Southern Regional Council did not spring from the Southern Conference on Human Welfare. It came from the Committee on Interracial Cooperation.

Mr. JOHNSTON of South Carolina. Were not some of the same individuals members of the other body?

Mr. DOUGLAS. There may have been a few, before that other body was taken over by subversive interests.

Mr. JOHNSTON of South Carolina. Does not the Senator find the names of 11 individuals who are members of the Southern Regional Council, which names also appear on the list of the Southern Conference on Human Welfare?

Mr. DOUGLAS. I believe that in every case they got out of the Southern Conference on Human Welfare when un-American groups took that organization over. In its beginning, I think that also was an innocent and decent group.

As I was saying, the Southern Regional Council did not develop from the Southern Conference on Human Welfare, but from the Committee on Interracial Cooperation, started in 1919. This committee included leaders of the churches and church organizations in the South and one of its leading members was the late W. W. Alexander, who was a very fine citizen.

Mr. President, in view of the statements of the Senator from South Carolina, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks a direct refutation of the statements which the Senator from South Carolina has placed in the RECORD, together with an editorial from the Atlanta Constitution for February 1, 1957, which clearly differentiates the Southern Regional Council from the other group mentioned.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF THE ATTACK ON SRC IN THE FIRING LINE OF MAY 15, 1957

The Firing Line is the publication of the American Legion's National Americanism Commission, Post Office Box 1055, Indianapolis, Ind. * * * In the issue of May 15, the Firing Line contains an article on the Southern Regional Council. This article presents in the guise of facts allegations against SRC and various of its past and present board members that range from outright falsehoods to cunning distortions designed to support utterly unfounded conclusions. Following is a point by point

analysis; the quoted paragraphs are quoted verbatim from the Firing Line.

"Readers of the April 15, 1957 issue of the Firing Line will recall the Council was identified as a 'Southern Red front by Manning Johnson on March 8, 1957, before the State of Louisiana Legislative Committee on Segregation.' The Firing Line report also revealed testimony which reflected the Council was 'formed by James E. Jackson, a Southern organizer of the Communist Party' and 'is affiliated with the Mississippi Council on Human Relations.'"

The Louisiana State body referred to here was set up to combat desegregation and is headed by State Senator William M. Rainach, who is also the chief leader of the White Citizens Councils in that State. Manning Johnson is a self-styled ex-Communist whose testimony has been repudiated by the United States Department of Justice and the Subversive Activities Control Board. His testimony about SRC is demonstrably false. The founding of SRC by a group of outstanding Southerners is a matter of public record. The incorporators were Bishop Arthur J. Moore of the Methodist Church, Ralph McGill, editor of the Atlanta Constitution, Dr. Rufus E. Clement, president of Atlanta University, the late Dr. Charles S. Johnson, president of Fisk University, and the late Dr. Howard W. Odum, professor of sociology at the University of North Carolina. Any claim that these men would have permitted the James E. Jackson in question or any other person of communistic persuasion to play any part in the founding of the organization is fantastic. The founding of SRC is a matter of extensive public record, as reported in the press and official documents, all clearly showing that this charge is an outright falsehood.

The statement that SRC "is affiliated with the Mississippi Council on Human Relations" is both inaccurate and irrelevant. The Mississippi Council is a thoroughly respectable body of the citizens of that State, including among its officers the wife of a cotton broker and the Catholic Bishop of Mississippi. It was for a time affiliated with the Southern Regional Council (not vice versa) though it now functions as an independent group.

Records of the American Legion reveal a definite trend of interrelationship between the SRC and the Southern Conference For Human Welfare, a defunct Communist-front organization. According to the files of the National Americanism Commission, the following 16 former directors of the SRC have been supporters of this aforementioned subversive organization: Charlotte H. Brown, Louis E. Burnham, George E. Clary, Herbert Davidson, J. M. Ellison, Clark H. Foreman, Guy B. Johnson, David D. Jones, George S. Mitchell, Howard W. Odum, F. D. Patterson, Edwin A. Penick, Homer P. Rainey, Ira DeA. Reid, Forrester B. Washington and Aubrey Williams.

The charge that SRC was related to the Southern Conference for Human Welfare continues to be used by the detractors of this organization although it has long since and repeatedly been refuted. SRC was the official successor to the Commission on Interracial Cooperation, founded in 1919 by a group of outstanding southern churchmen. SRC came into existence at a time when the southern conference had been operating for six years, and it was attacked by some persons on the grounds that it was a more conservative organization set up in competition with the southern conference. It was never in any way connected with the southern conference.

The spurious technique of connection by association used here was exposed for what it is by the Atlanta Constitution in 1953. At that time, Dr. Rufus E. Clement, the distinguished president of Atlanta University, had announced his candidacy for the Atlanta Board of Education. Prosegregationists sought to have him disqualified, using as the Firing Line does, the charge that he had once served on the board of the Southern Conference for Human Welfare. The Atlanta Constitution on May 12, 1953, editorialized as follows:

"ATTACK ON CLEMENT IS DIRTY POLITICS

"A member of the [city executive committee] board has charged that Dr. Clement is a Communist sympathizer because he once belonged to the now defunct Southern Conference for Human Welfare.

"This newspaper is proud of the fact that it contributed largely to the demise of that organization. We were twice threatened with lawsuits because of our exposure of it; therefore, we believe we have some authority to speak.

"The Southern Conference for Human Welfare was organized by honest, loyal Americans, with a viewpoint to organizing all constructive forces in the South to improve the South's economic and social status. It later was infiltrated by Communists, but for a good many years it was composed of and led by persons of unquestioned loyalty, during which time its membership was about 99.95 per cent loyal. It offers the typical example of a few rotten Communists spoiling a good barrel of apples.

"Even so, it was not until a good many years had passed, and after most of the membership had withdrawn, including Dr. Clement, that persons of suspected communistic tendencies took over what remained of the organization. They did not long endure, largely because this newspaper exposed them and kept upon them the full light of publicity. Therefore, we feel free to say that this smear attack on Dr. Clement was false and unworthy, and those conducting it reflect no credit on themselves, our city, State, and region."

Suffice it to say that Dr. Clement's qualifications were upheld by the city executive committee, he was overwhelmingly elected in the primary, and he has recently been reelected to the Atlanta Board of Education.

In this incident and in the Atlanta Constitution's editorial reproduced above lies the full explanation of the dishonest technique used by the firing line and SRC's racist critics in their attempts to discredit this organization.

It might further be noted that among the 16 former directors whose past presence on the board of SRC is supposed to have infected it with subversive sympathies are the following:

Dr. George E. Clary, executive secretary of the southeastern jurisdiction of the Methodist Church.

Mr. Herbert Davidson, editor and publisher of the Daytona Beach News and Journal.

Dr. J. M. Ellison, chancellor of Virginia Union University.

The late Dr. Howard W. Odum, nationally famous scholar of the University of North Carolina.

The Reverend Edwin Penick, the presiding Episcopal bishop of Raleigh, N. C.

The distinguished positions held by these individuals and their impeccable reputations in the South and North alike are enough, in themselves, to refute the insinuations of the Firing Line.

"The files of the American Legion reflect the following 9 current SRC Directors have also been affiliated with the subversive Southern Conference for Human Welfare: Rufus B. Atwood, Paul R. Christopher, Rufus E. Clement, A. W. Dent, Benjamin E. Mays, H. Councill Trenholm, E. C. Peters, Josephine Wilkins, and Marion A. Wright."

The same answer as that given above also applies here. Consider the positions held by these nine current directors:

Dr. Rufus B. Atwood, president of the State-supported Kentucky State College.

Mr. Paul R. Christopher, regional director of the AFL–CIO who serves by appointment of Governor Clement on an official State commission of Tennessee.

Dr. R. E. Clement, identified above.

Dr. Albert W. Dent, president of Dillard University, of New Orleans.

Dr. Benjamin E. Mays, president of Morehouse College and one of this Nation's most prominent leaders in the World Council of Churches.

Dr. H. Councill Trenholm, president of the State-supported Alabama State College, in Montgomery.

Dr. E. C. Peters, president emeritus of Methodist-supported Paine College, in Augusta, Ga.

Miss Josephine Wilkins, former administrator of the Fact-Finding Movement of Georgia and past president of the League of Women Voters of Georgia.

Mr. Marion A. Wright, respected attorney, former chairman of the South Carolina Library Board, past president of the University of South Carolina Alumni Association.

If the worst that can be charged against the Southern Regional Council is that these distinguished southerners served on its board, the organization can be proud indeed.

"For the information of Firing Line readers, the following eight current directors of the council have been affiliated with the aforementioned Southern Conference Educational Fund, Inc., which was fully exposed in the July 1, 1955, issue of this publication: F. Woods Beckman, Blailsford [*sic*] R. Brazeal, Rufus E. Clement, James M. Dabbs, Charles G. Gomillion, Duncan Hunter, Benjamin E. Mays, and Josephine Wilkins. It may be of interest to recall that former SRC director, Aubrey Williams, has been president of the Southern Conference Educational Fund since 1948. He was named as a member of the Communist Party during the Senate Internal Security Subcommittee's 1954 hearings."

The Southern Conference Educational Fund is the successor to the Southern Conference for Human Welfare. Three of the individuals named in this paragraph were named in the preceding one. The others include the dean of Morehouse College, an honorably retired Federal Government employee, a South Carolina planter who is a leading layman of the Southern Presbyterian Church, the dean of Tuskegee Institute, and a Methodist clergyman of Alabama. A special case is made of Aubrey Williams, who once served on the SRC board and is now president of the Southern Conference Educational Fund. It is reported that charges of past Communist affiliation were made against Mr. Williams in 1954. Mr. Williams resigned from SRC's board more than 10 years ago, long before these charges were made. However, it should be noted that he categorically and under oath denied the charges made against him in 1954 and his sworn denial still stands unchallenged in the official record. The charge was made by a professional witness, another self-styled ex-Communist whose testimony on other occasions was proved false.

Allen Rankin, columnist for the conservative Montgomery Advertiser, wrote of the hearing at which Mr. Williams was accused: "[Senator] EASTLAND admitted to a newsman: 'I don't think either of the Durrs or Williams are Communists.' Yet these people * * * were accused and insulted and browbeaten."

It should be clear to any thoughtful person that the cynical technique of guilt by association used here in its most far-fetched form to indict the Southern Regional Council can be used at least as damagingly against any honest, patriotic body of citizens.

It is possible, for example, to extend the charges of the Firing Line to prove that the Catholic Church is under the influence of Communist sympathizers. Several Catholic clergymen took part at one time in the activities of the Southern Conference for Human

Welfare. One of the founders of the SRC was then Bishop, now Archbishop Gerald P. O'Hara, one of the leading Catholic dignitaries in the United States. From the very beginning, the executive committee of the Southern Regional Council has included a Catholic clergyman. Among the contributors to SRC have been two Catholic bishops and two archbishops. The president of SRC from 1945 to 1951 was Mr. Paul D. Williams of Richmond, Va., a cofounder of the Catholic Committee of the South, a Knight of St. Gregory, and one of the leading laymen of his church. In 1953, the Catholic Committee of the South conferred its annual award on Dr. George S. Mitchell in recognition of his work as executive director of the Southern Regional Council. It would be interesting to see what the Firing Line would make of this definite trend of interrelationship.

The same artificial case could, of course, be made against the Methodists, the Presbyterians, and other religious and civil groups that have been heavily represented on the board and in the activities of SRC.

The use of past associations with the Southern Conference for Human Welfare can be carried to even greater lengths. On April 3, 1945, the Southern Conference for Human Welfare staged a dinner in Washington, D. C., honoring Justice Hugo Black. This affair is reported in detail in the Southern Conference publication, the Southern Patriot, special supplement May 1945, and in contemporary newspaper accounts. The toastmaster on this occasion was then Senator, later Vice President Alben W. Barkley. At the speaker's table was none other than the Honorable James F. Byrnes, who has since crowned his distinguished career with a term as Governor of South Carolina and one of the leading champions of segregation. Among the sponsors of the dinner were Secretary of State Edward Stettinius, Secretary of Defense James Forrestal, President Harry S. Truman, and other distinguished Americans. Senator Barkley congratulated the Southern Conference on the great work it was doing.

This affair is mentioned only to demonstrate how the false standard of association applied by the Firing Line and other critics of SRC can be applied to discredit a host of reputable individuals and the organizations on whose board they serve. Clearly, past affiliation or association with the Southern Conference, cannot honestly be used to impeach the integrity of individuals whose careers testify to their character and patriotism. Still less can the presence of such individuals on the board of another organization be honestly used as evidence against the character of that organization.

Finally, it should be noted that nowhere in the charges against the SRC is there the slightest evidence of word or deed that would suggest Communist or subversive tendencies within the organization. The reason, of course, is that no such evidence exists. From the beginning, the SRC has been squarely opposed to the Communist doctrine and every other totalitarian philosophy. It has worked constructively and responsibly for full enjoyment of legal and human rights by all the people of the South. Those who seek to discredit the patriotism of the Southern Regional Council do so either out of inexcusable ignorance or because they are opposed to the democratic principles for which it stands.

[From the Atlanta Constitution of February 1, 1957]

DR. MITCHELL REALIZES DREAM OF MANY YEARS

Dr. George S. Mitchell, executive director of the Southern Regional Council, has retired and will carry out a dream he has nursed since his days as a Rhodes scholar. He will go to a small town, picked out many years ago in the Scottish highlands, and there spend the rest of his years. Except, of course, for travel.

Dr. Mitchell, who was born in Richmond, Va., is the son of Samuel Chiles Mitchell, a noted Southern historian who also served as president of the University of South Carolina and of the University of Delaware. Dr. Mitchell himself is widely regarded as one of the Nation's foremost authorities on race problems in the South in their broadest aspects, social, educational, and economic.

The Southern Regional Council is composed of clergymen of all faiths, businessmen, labor leaders, and representatives of the professions in 12 Southern States. Under Dr. Mitchell's direction the council earned a reputation for sound, constructive research and publication of factual material.

In 1953 the Catholic Committee of the South gave him its annual award.

The Southern Regional Council has no connection, direct or indirect, with the late Southern Conference for Human Welfare which, after an honest start, was taken over by extremists. Because of the similarity of names, critics have sometimes charged the Southern Regional Council was the successor to the other. It is not.

We wish Dr. Mitchell and his family a long life and a happy one in Scotland where Dr. Mitchell will catch up on his reading and do a little gardening.

Mr. DOUGLAS. In the case of Mr. Manning Johnson, I think he, as well as the late Mr. Paul Crouch, has been pretty well discredited as a witness. I am informed, although I wish to check on it, that he is no longer used as a witness by the Government.

I know many of the members of the Southern Regional Council. I believe the present president is a Mr. Marion A. Wright, who is from the State of the Senator from South Carolina, and who was formerly president of the Alumni Association of the University of South Carolina.

One of the members of the executive committee—at least in former times—was the distinguished southern editor, Ralph McGill. No better American ever lived than Ralph McGill.

The president preceding the present president was a distinguished Catholic layman from Virginia, Mr. Paul D. Williams, of Richmond. Everyone knows that the Catholic Church is perhaps the strongest body which opposes communism in this country. This man is a devout Catholic.

I deeply regret what the Senator from South Carolina has said. I believe that upon mature reflection, when he reads the material which I shall place in the RECORD, he will wish to change the statement he has made.

Mr. JOHNSTON of South Carolina. I was quoting from the American Legion "Firing Line." They have documented the information which they used.

Mr. DOUGLAS. Like the Senator from South Carolina, I, too, am a member of the American Legion, but occasionally it goes wrong, too.

I think the Senator, when he sees the full evidence, will not wish to stand by the statement which he made. I have always found him to be fair.

ORDER FOR RECOGNITION OF SENATOR JACKSON ON MONDAY, FOLLOWING THE MORNING HOUR

During the delivery of the speech by Mr. JOHNSTON of South Carolina,

Mr. JOHNSON of Texas. Mr. President, will the Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that the Senator from South Carolina may yield to me, so that I may make a unanimous-consent request; and that in yielding for that purpose, the Senator from South Carolina will not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON of South Carolina. Mr. President, I ask also that the request be printed in the RECORD at the conclusion of my speech.

Mr. JOHNSON of Texas. Certainly.

Mr. President, I ask unanimous consent that on Monday, after the morning hour, the Senator from Washington [Mr. JACKSON] be recognized.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. ALLOTT. Mr. President, I am very happy to have the opportunity to speak at this rather late hour concerning certain statements which have been made about the RECORD, as made.

On Tuesday of this week, I inserted in the CONGRESSIONAL RECORD a condensation of the laws of the United States as they relate to the use of jury trials, and, more particularly, the nonuse of jury trials in contempt cases. This condensation begins on page 12425 of the CONGRESSIONAL RECORD. At the time I introduced this condensation, which I placed in the RECORD for the use of the Senate, particularly for the use of Members of the Senate, and also for the edification of the public at large, I thought I was performing a public service, and I invited any Senators who thought the laws of their States were not stated correctly to let me know and to correct the RECORD.

This was done in one instance, but other Senators have attempted, by statements, to indicate that there were errors in the condensation which I had placed in the RECORD, when, as we lawyers say when we talk to one another, they are simply begging the question, and not facing it.

Mr. President, I desire to address myself first of all to the remarks made by the Senator from North Carolina [Mr. ERVIN]. He said that my statement is incomplete, insofar as the law of North Carolina is concerned, and for that reason gives a quite erroneous impression.

For the benefit of the Senator from North Carolina, I should like to give him the following information: In the case

of *State* v. *Little* (175 N. C. 743, at p. 747 (94 S. E. 680)), the court said:

And it is in no sense a denial of a constitutional right that a jury trial is refused in such cases—

Referring to contempt cases.

It goes on to state:

In this State a contempt proceeding is authorized by statute.

Then there are some periods, indicating that some material has been left out—

This court has described it as sui generis, criminal in its nature, which may be resorted to in civil or criminal actions.

Then skipping again—

And it is held that persons charged are not entitled to a jury trial in such proceedings.

Quoting the cases: *Safie Manufacturing Co.* v. *Arnold* (228 N. C. 375, 389; 45 S. E. 2d 577)—

The rule as expounded by the Supreme Court of North Carolina has been universally followed by the courts of that State. Among the other reported cases applying it are *Baker* v. *Gordon* (86 N. Car., 116; *In Re Beaton* (105 N. C. 59, 11 S. E. 244); and *In Re Brown* (168 N. Car. 743, 94 S. E. 680).

The distinguished Senator from North Carolina [Mr. ERVIN], one of the leading exponents of the trial-by-jury amendments, served on the Supreme Court of North Carolina prior to his appointment to the Senate. During his service on the bench, he participated in cases upholding contempt proceedings, in which the accused had not been tried before a jury.

These cases are *Hart Cotton Mills, Inc.*, v. *Abrams* (231 N. C. 431), *Erwin Mills, Inc.*, v. *Textile Workers of America* (234 N. C. 321), *Royal Cotton Mills Incorporated* v. *Textile Workers of America* (234 N. C. 545, rehearing denied, 234 N. C. 749).

Under North Carolina Statutes—GS 5–1 to GS 5–9—contempt power is granted to referees, commissioners, clerks of court, county boards of commissioners, utility commissioners, and industrial commissioners.

Mr. President, I do not wish to frighten anyone with this array of books on my desk. It is not my intention to start a filibuster, or to read all these books. I intend to read several excerpts from them, and I brought the books because I do not want to leave any doubt in anyone's mind as to what the statutes of Alabama or Georgia or North Carolina provide.

I have notified both the Senator from North Carolina [Mr. ERVIN] and the Senator from Alabama [Mr. SPARKMAN] of my intention to speak on this subject. I note that neither one of them is present at the moment. I hope we will be able to get this matter settled once and for all, and that the material I placed in the RECORD on Monday will stand as the factual statement except as it may be corrected by genuine and sincere corrections.

The citations of the Senator from Alabama, I believe, are completely incorrect. They are, as I say, an attempt to beg the question. They do not face the question. They do not face the issue. They do not argue the issue. They do not decide the issue. I should like to refer to the fifth paragraph of the statement of the Senator from Alabama, on page 12662 of the CONGRESSIONAL RECORD, This paragraph reads:

In all criminal prosecutions of indictable offenses the accused has a right to a speedy, public trial by an impartial jury of the county or district in which the offense was committed * * *.

That statement accords with article I, section 6, of the constitution of Alabama, 1901.

The annotations to this section of the constitution, which appear on pages 37 of the Alabama Code of 1940, volume titles 1 to 6, contain the following items:

When right to jury trial does not apply.

The right to a jury trial does not apply to contempt cases, impeachment, nor unless the prosecution is by indictment.

This has always been held not to apply to new offenses which have arisen since the Constitution was adopted.

The cases cited are *Tims* v. *State* (26 Alabama 165); *Ex parte Hamilton* (51 Alabama 66); *State* v. *Buckley* (54 Alabama 599), which itself is an impeachment case.

The first two of these cases were cited in the report I have placed in the RECORD. Citing in detail from Ex parte Hamilton, supra, the court stated:

And the courts may proceed in a summary way to punish for contempts, notwithstanding the constitutional provision, that crimes shall be tried by a jury.

The power to punish for contempts is incident to courts of law and equity.

Then, skipping a little:

Then, a proceeding for contempt is not a criminal prosecution. It is only in a criminal prosecution that the accused has the right to be heard by himself and counsel, or either. If a proceeding for a contempt were a criminal prosecution—

But it is not—

then it could not be tried by the chancellor, nor could a jury be dispensed with.

Then skipping—

But, in such a proceeding, it is by due process of law to proceed by attachment, as was done in the case here complained of.

That quotation comes from pages 68 and 69.

I have before me article I, section 6, of the Alabama Constitution, to which the distinguished Senator from Alabama referred. I acknowledge his graciousness in calling my attention to the fact that my office omitted the word "not."

I read from section 6 of the Alabama Constitution:

SEC. 6. That in all criminal prosecutions, the accused has the right to be heard by himself and by counsel, or either. * * * And, in all prosecutions by indictment, a speedy public trial, and by an impartial jury of the county or district in which the offense was committed—

That is in cases by indictment.

If the Senator from Alabama had turned two pages, he would have found, under the annotations, the following:

When right to jury trial does not apply.

The right to a jury trial does not apply to contempt cases, impeachment, nor unless the prosecution is by indictment.

The citations are *Tims* v. *State* (26 Alabama 165); *Ex Parte Hamilton* (51 Alabama 66); *State* v. *Buckley* (54 Alabama 509).

Therefore that is the situation. The Senator begged the question all the way through, and the fact is that a jury trial does not apply in the situation I have cited in the State of Alabama, so far as I can find.

In further proof that constructive criminal contempt is not an indictable offense and therefore not subject to the jury requirement of article 6 of the Alabama constitution of 1901, the annotations to this same section contain the following item on page 12 of the 1955 Cumulative Pocket Part of the same volume:

Constructive contempt begun by citation to appear and make defense is sufficiently begun and the proceedings are valid if due process is satisfied in this section and the 14th amendment to the Federal Constitution.

There is cited *Hunter* v. *State* (251 Ala. 11, 37 So. (2d) 276).

Hunter against State is a review by the Supreme Court of Alabama, in 1948, of a proceeding in constructive criminal contempt. The contemnor—the one accused of the contempt—appealed for review on the ground that the trial court had proceeded with the hearing in the absence of the filing of a sworn affidavit setting forth the facts on which the alleged contempt was based.

The court stated:

There is no statutory or constitutional provision directing the procedure by which a constructive criminal contempt shall be begun.

But since it involves the power of the court to fine and imprison and sometimes to arrest the accused, the requirements of the Constitution affecting those incidents have application.

Sometimes a constructive contempt is begun by issuing a warrant of arrest requiring the accused to be held and be heard on the charge. Sometimes it is begun by issuing a citation or rule to him to appear and answer the charge.

1. If it is begun by issuing a warrant for his arrest, the requirements of section 5 of the Constitution must be observed. Section 5 provides that no warrant shall issue to seize any person without probable cause supported by oath or affirmation. So that if a warrant is issued for his arrest prior to his trial on the charge, it should be supported by such oath or affirmation as affords probable cause for doing so.

But when it is begun by a citation to appear and make defense, it is sufficiently begun and the proceedings are valid if due process is satisfied in section 6 and the 14th amendment to the Federal Constitution.

2. Due process requires that the accused shall be advised of the charges, and have a reasonable opportunity to meet them. This includes the assistance of counsel, if requested, the right to call witnesses, to give testimony, relevant either to the issue of complete exculpation or extenuation of the offense and in mitigation of the penalty imposed. (*Cooke* v. *United States* (267 U. S. 517, 45 S. Ct. 390, 69 L. Ed. 767); *Ex parte Bankhead* (200 Ala. 102, 75 So. 478); Dangel on Contempt 209, section 446.)

(3) This does not mean that a written accusation is not essential. But it need not be verified except to support a warrant of arrest under section 5, supra. But the form of it is not material if it sets out the charges in such manner as to apprise him of the

exact nature of it, and what he is called upon to defend.

(4) The inquiry of the court of appeals shows that the accused was not arrested on a warrant, but a citation, or rule was issued to him, which contained a statement of the charges to be answered, and which was full in that respect. The order for the citation was itself a written charge, and the citation was pleading as well as notice.

We think it is important to give full expression to our views on this subject, in view of the conflict in some of the cases.

We hold, therefore, that the trial court in the instant case had the authority to issue the rule nisi and proceed with the hearing in the absence of the filing of a sworn affidavit setting forth in general terms the facts upon which the alleged contempt was based. In view of the conclusion which we have here reached, it is unnecessary for us to respond to your second question.

It should be noted that in the list of due process requirements, supra, there appears neither "indictment" nor "jury trial," and that in discussing the right of the trial court to proceed as it did, the court uses the term "hearing." It would therefore appear that in Alabama, the contemnor in a case of either civil or criminal contempt would not have the right to a jury trial.

I have already called attention to the typographical error which occurred, and which I have asked to have corrected.

I call attention again, very briefly, to the statement by the Senator from North Carolina [Mr. ERVIN]—I have previously referred to it—in which he discussed this matter, and said that, in North Carolina, "every litigant has an absolute right to have all issues of fact arising in any civil case tried by a jury, regardless of whether the case is an action for an injunction or other equitable relief or is an action at law."

I shall not quarrel with the Senator from North Carolina about his statement. I think it is essentially accurate, but I call the attention of my colleagues to the fact that it is a very, very obvious attempt to beg the question, because what we are talking about here is not the right to have a jury in an action at law, or even a right to have a jury in an action for equitable relief, but rather the right of a jury in cases where the defendant is tried for contempt.

The study by the American Law Division did not attempt to cover the proceeding in which an injunction, for example, is sought, but confined itself to the proceeding in contempt which arose from the violation of the injunction.

These things, I believe, explain my position and my attempt still to place before the Senate an accurate condensation of the law as it applies to contempts.

With a few more remarks, I shall conclude, because I see my very fine and able colleague, the junior Senator from New Jersey [Mr. CASE], ready to take the floor. He has waited a long time to get it.

I think for the people of the United States the issue has been beclouded very much by the arguments which have occurred in the past month. The citations which I placed in the RECORD, and the corrections of the remarks of the two Senators, which I have just covered, show that in most States in the United States there never has been the right to trial by jury for contempt. For some unknown reason, this appears to come as a great surprise to many persons. It is hard for me to understand how it comes as a surprise, because every lawyer knows it to be so. In cases of contempt, the right of trial simply does not exist in most States. So what Senators on the other side of the question are contending for is something for which, in most instances, their own State laws do not make provision.

To show how far this practice goes, I call attention to the fact that in my own State of Colorado, for example, the right of jury trial does not exist in any equitable proceeding, the only provision there in that regard being that the court on its own motion can impanel a jury and ask it to decide any facts which are placed before the court; but even then the court is not bound by what the jury finds the facts to be.

There is one other question to which I wish to address myself very briefly. I intend to speak to this issue at greater length next week. It seems to me that one point which has been overlooked in all the debate, in the stampede to get away, in the effort to get a jury trial provided for, is the fundamental issue about which we are talking. The person who has been deprived of civil rights has almost been forgotten in the debate. I have listened to very able and learned lawyers refine their reasoning and arguments ad infinitum, to the point where the arguments have become almost senseless. It is wonderful to listen to such great mental agility and power, and to know that minds have the capacity to define good arguments to the point where they become nothing.

But one thing is certain, that the judges who administer this law if the bill is enacted, and who will have to fine for contempt, are not Negroes. Another thing which is certain is that those judges were recommended for office by many of the Senators on the other side of the aisle who are contending for a modification of the President's bill.

What seems to have been forgotten above all is that before a person can be fined or imprisoned for contempt he must first of all be brought into court, not upon a criminal warrant to submit to arrest, but upon an ordinary civil summons. The civil summons orders him to come to court within a certain time, and to answer the summons. He has a right to counsel; he has a reasonable time to answer; and he has a right to be heard by the court. A temporary restraining order may be issued, and in some cases it may be issued upon affidavits and some testimony; but the courts will not hold a temporary restraining order in effect for more than 2, 3, 4, or 5 days—a very short time—without holding a hearing.

A temporary injunction will become final only when the defendant is brought into court by a civil summons, not by a warrant, and after he has an opportunity to be represented by counsel, and to hear the witnesses against him, and to subpena witnesses in his own behalf, and to have all the rights which the opposition—or the Government—may have.

Then, finally, the court finds the facts, as they apply to the law, and signs an order or judgment or decree—strictly speaking, a decree, in an equity case. Only after that, only after the court has said to the defendant, "You must not keep this man from registering," or "You must not interfere with his home," or "You cannot burn crosses on his front lawn," or "You cannot put a large cordon of people around his house and threaten or coerce him"—only after the court has said some of those things, or perhaps only one of them, and only after the man willfully violates the court's order—only then—can the court exercise the power of contempt, and cause his arrest. Even then—believe it or not, Mr. President—in some States, such as Alabama, I understand it is possible to proceed in these cases only by indictment. But in most cases the court has to issue an order to show cause; and then proof has to be offered, to show that the man has violated the injunctive order. Only when the court is satisfied that the order has been violated—only then—can the man be put in jail for contempt.

Mr. President, we have heard much said about inquisition and the use of troops. However, under this procedure, a man in such a position gets his day in court, not once, but perhaps even as many as three times. And even if the court finds that the man has violated the injunctive order of the court—even then—the man has the right to appeal; and the process of habeas corpus is open to him.

So, Mr. President, let Senators not be stampeded tonight as they were stampeded last week, and let Senators not be stampeded during the coming week, into a flurry of fear about the taking away of rights. The right of trial by jury in contempt proceedings has never been universally recognized, and it is not today a right which is recognized generally in the United States.

No man will be summarily thrown into jail as a result of the passage of the bill as it now stands, because the law does not work that way, and it cannot work that way. Here we are dealing with the rights of human beings whose desires, aspirations, loves, and sometimes happiness are the same as those of anyone else. Either the Senate will take the long, arduous, and painful step of providing for their civil rights, so far as the Senate is able to do so; or the Senate will surrender to the forces of reaction, and will acknowledge that it, the Senate of the United States, is unable to give to these people the same rights which the people of the United States thought they were given when the War Between the States ended, and the same rights which many of us have always thought they should enjoy.

Mr. CASE of New Jersey. Mr. President, will the Senator from Colorado yield to me?

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. ALLOTT. I yield.

Mr. CASE of New Jersey. I wish to express my appreciation to the Senator

from Colorado for the fine address he has made this evening. It has been most helpful to those of us who have had the privilege of hearing it; and I know it will be even more helpful to the unfortunately larger number of our colleagues who have not had that opportunity, but who will read the Senator's address when it appears in the RECORD of today's proceedings.

The Senator from Colorado has made a solid contribution, one which I know will have most persuasive effect in connection with the issues he has discussed. I wish to express to him my personal appreciation for his exceedingly fine address.

Mr. ALLOTT. Mr. President, I thank the Senator from New Jersey, who, himself, has fought so very able in this field, and has made so many contributions to it. His remarks give me a feeling of great warmth, and encourage me to continue this fight to secure for all human beings in the United States the same rights which I myself enjoy, and which I believe they have a right to enjoy.

Mr. President, I yield the floor.

Mr. CASE of New Jersey. Mr. President, the Senate is debating part IV of the pending bill. Part IV would add several new provisions to section 2004 of the Revised Statutes, which relates to the right of citizens of the United States to vote without distinction or discrimination because of race, color, or previous condition of servitude.

The first one would specifically make unlawful the intimidation or coercion of any person for the purpose of interfering with the latter's right to vote as he may choose, or of causing such person to vote for, or not to vote for, any candidate for Federal office.

Then this part of the bill would provide the following additional remedy for the enforcement of section 2004 of the Revised Statutes, as amended: A suit could be brought by the Attorney General of the United States, in "a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

Mr. President, I think it hardly needs to be argued that discrimination, intimidation, and prevention of the exercise of voting rights on the part of large groups of the citizens of the United States exist at this very time. Neither do I believe that it needs to be argued that existing remedies for the protection of the voting rights of the citizens of the United States are not adequate.

There are criminal penalties for the violation of section 2004 of the Revised Statutes. But, Mr. President, what good does it do a person whose right to vote has been taken from him, to have the person who takes that right from him go to jail; and what sum of money, if any, by way of damages which could be recovered by him in a private suit would compensate him for the loss of his right to vote?

The fact that the penal remedies now provided are not effective is clearly evidenced by the fact that in 9 of the Southern States, of about 4,300,000 eligible Negro citizens of voting age, less than one-quarter are registered to vote. In the State of Mississippi, perhaps the most glaring example, only 8,000 persons of the colored race of approximately one-half million of voting age are able to vote, insofar as registration is concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter addressed to Representative CELLER, chairman of the Committee on the Judiciary of the House of Representatives, by Warren Olney, Assistant Attorney General of the United States, dated February 21, 1957.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, February 21, 1957.

Hon. EMANUEL CELLER,
Chairman, Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, Washington, D. C.

DEAR MR. CELLER: On February 13, Mr. Jack P. F. Gremillon testified before your subcommittee. A part of his testimony related to a voter registration civil rights case arising in Ouachita Parish, La., and to the action of a Federal grand jury convened in Monroe, La., to inquire into that and other civil rights cases. Certain facts which the Department of Justice has in its files suggest that Mr. Gremillion's testimony might have left a misleading impression in a number of respects. Accordingly, we feel obliged to provide you with information which we have which is inconsistent with the impression left by Mr. Gremillion's testimony. These facts have not previously been provided by this Department to Mr. Gremillion. We are, however, sending him a copy of this letter.

We refer herein to Mr. Gremillion's testimony by subject matter and transcript page number.

INTERPRETATION OF CONSTITUTION BY REGISTRANT (P. 662)

"Mr. KEATING. Do you have an educational requirement of some nature in Louisiana in order to vote?

"Mr. GREMILLION. The requirement with reference to education provides they shall be able to read and write and interpret one part of the Constitution, of their choice.

"Mr. KEATING. One part of the United States Constitution?

"Mr. GREMILLION. Yes.

"Mr. KEATING. And they can choose it?

"Mr. GREMILLION. Oh, yes. In other words, the registrar of voters cannot say, 'I want you to explain something' that is impossible to explain. They have the right of choice insofar as concerns the section or phrase of the Constitution they wish to interpret. They have their own choice on that, and nothing is foreplanned or forewarned."

Comment: In none of the 10 parishes in Louisiana which have been the subject of investigations by the Department is there any evidence that the registrar permitted the applicant for registration to choose which clause of the Constitution he wished to interpret. Specifically, in the case arising from Ouachita Parish, the investigation by the FBI disclosed that the registrar of voters in examining applicants for registration used a card on which was written an excerpt from the Constitution, which card was given to the registrar by the Citizens Council of Ouachita Parish. In one instance Mrs. Mae Lucky, registrar of voters of Ouachita Parish, asked an applicant for registration what our form of Government is. The applicant replies, "A democratic form of Government."

The registrar said, "That's wrong—try again." The applicant said, "We have a republic form of Government." The registrar then said that that answer, too, was wrong and that the applicant would have to return after the next election to reregister.

REPLY AFFIDAVIT ON BEHALF OF CHALLENGED VOTERS (P. 667)

"Mr. GREMILLION. * * * When such a registrant is challenged, the registrar of voters is required, under the law, to forward a notice of the challenge, a complete copy of the same, together with a form which the challenged registrant has to execute by three bona fide voters registered in the same parish to the effect that the challenged registrant is a bona fide resident of that parish. This form is sent to the challenged registrant at the time that the notice of challenge is sent.

"If the challenged registrant does not appear within 10 days, the registrar shall remove his name from the rolls. If, however, the challenged registrant appears with three bona fide registered voters to assert the authenticity of his residence in the parish before his registrar of the voters, or deputy registrar, the challenge shall fail and the voter's name shall remain on the rolls. See Louisiana Revised State (sic) of 1950, title 18, sections 132, 133, and 134."

Comment: In none of the 10 parishes which were the subject of FBI investigations did the registrar make it a practice to send a form of reply affidavit to the challenged registrant. On the contrary, investigations in Bienville, Caldwell, De Soto, Jackson, La Salle, and Ouachita Parishes disclosed that the registrar in those parishes did everything to discourage the filing of reply affidavits in the statutory form and generally refused to accept them when offered.

In Ouachita Parish the registrar refused to accept as witnesses on behalf of a challenged voter bona fide registered voters of the parish who were not from the same precinct of the challenged voter. She also refused to accept as witnesses bona fide registered voters who had themselves been challenged. She also refused to accept as witnesses registered voters who had already witnessed to the qualifications of another challenged voter.

In Caldwell Parish the registrar refused to accept witnesses on behalf of a challenged voter unless they were accompanied by a law-enforcement officer and a member of the citizens council to identify them. He even refused to accept white persons as witnesses for Negro voters on the grounds that the witnesses were of a different race from the race of the challenged voters.

In Bienville Parish, where 560 of the 595 registered Negro voters were challenged, the registrar consistently refused to accept affidavits on behalf of registered voters which were in the statutory form and, as a result, the names of every one of the challenged Negro voters were stricken from the voting rolls.

In Jackson Parish, where 953 of the 1,122 Negro voters were challenged, the registrar also refused to accept for filing affidavits on behalf of challenged voters, which affidavits were in statutory form. As a result, all of the challenged Negro voters, with the exception of two who were physically disabled and therefore unable to fill out voter application cards, were stricken from the voting rolls.

In a number of parishes when challenged Negro registrants came to the registrar's office in response to the challenging citation, they were told by the registrar that they would have to see a private attorney in order to get the matter straightened out.

OUACHITA INCIDENT WAS "EXCEPTIONAL" (PP. 670–671, 702–703)

"The CHAIRMAN. Mr. Attorney General, I am reading from page 145 of the transcript

of these hearings, where there was testimony given as follows:

"'In Louisiana the White Citizens Councils have conducted a campaign to purge as many colored voters from the books as possible. In Monroe, La., representatives of the councils have actually invaded the office of the registrar of voting for the purpose of purging colored voters. The Assistant Attorney General in charge of the Criminal Division of the Department of Justice testified in October 1956 that over 3,000 voters had been illegally removed from the rolls of Ouachita Parish, in which Monroe is located.'

"Would you care to comment on that, sir?

"Mr. GREMILLION. Yes.

"I actually do not know anything officially, or nonofficially, about the activities of the citizens council in my State. I am not a member, and I actually do not know. But I do know that up at Monroe they did have some difficulty with respect to voting. But that is definitely not a general rule throughout the State, and I think that is more or less an exception.

* * * * *

"Please do not attach too much significance to this Monroe affair in Ouachita Parish about which you already received testimony. An occurrence like that is typical in any State where political battles are involved. I personally know that that was a fight between two candidates in the mayor's race, and one candidate had the Negro votes and the other used this means of getting them off until that election was held. I regret that that had to happen. But do not judge the State of Louisiana by it. It could happen in any other State in the Union where you have politics. See what I mean?

"The CHAIRMAN. Yes, sir.

"Mr. GREMILLION. So do not pay any attention to that Monroe affair. That is strictly politics, and that is why the people are back there today."

Comment.—With respect only to cases which have been investigated by the FBI, the following numbers of Negro voters were challenged in each of the following parishes:

Bienville	560
Caldwell	330
De Soto	383
Grant	758
Jackson	953
La Salle	225
Lincoln	345
Ouachita	3,240
Rapides	1,058
Union	600

GRAND JURY INQUIRY (P. 677)

"Mr. GREMILLION. Mr. Dalton, one of my assistants here, advises me on something that we were talking about in the Ouachita matter, the Monroe matter, and I want to remind the committee of this: That there were two grand juries that investigated these alleged discrepancies or purging of the rolls.

"The first returned an indictment, then the second one was convened, with Mr. St. John Barrett—I believe his name was—assisting, an assistant sent down from Washington. So that grand jury also failed to send down any indictments.

"So let me remind you this matter was investigated by two Federal grand juries."

Comment: There has been only one Federal grand jury impaneled in Louisiana which has inquired into civil-rights violations. This was impaneled on December 4, 1956, and has not yet been discharged. It was in session with respect to civil-rights matters on December 4, 5, 6, and 7, January 29, 30, and 31, and on February 1, 6, and 12. Witnesses were subpenaed and other evidence presented to the grand jury in connection with the cases arising in Caldwell, De Soto, and Grant Parishes. No indictments were returned in these cases. On February 12, 1957, an attorney from this Department outlined to the grand jury the evidence, which the Department had relating to cases arising in Bienville, Jackson, and Ouachita Parishes, which evidence the Department believed indicated the commission of offenses against the laws of the United States and which merited presentation to a grand jury. After deliberating in private, the grand jury announced through it foreman that it had determined that there was no possibility of indictments being returned in the Bienville, Jackson, and Ouachita Parish cases even though the evidence was presented to them and a full inquiry conducted. The grand jury went on record as not desiring to hear any testimony in connection with these latter cases.

REREGISTRATION OF "PURGED" VOTERS, MONROE, OUACHITA PARISHES (P. 672)

"Mr. KEATING. Have those names been put back on the rolls?

"Mr. GREMILLION. About 99 percent of them are back on the rolls, Mr. KEATING. That was under the provisions of the law which I read to you from page 2 of my statement."

Comment: Prior to the filing of the challenges in Ouachita Parish there were approximately 4,000 registered Negro voters in the parish. On October 6, 1956, after the "purge" was over and when the registration books closed for the November 6 general election, there were 694 registered Negro voters. Thus, there were in excess of 3,000 Negro voters deprived of the right to vote in the general election of November 6.

Sincerely,

WARREN OLNEY III,
Assistant Attorney General.

Mr. CASE of New Jersey. Mr. President, I shall not read at length from this letter. It is a comment by the Assistant Attorney General, Mr. Olney, on the testimony of Mr. Jack P. F. Gremillion, attorney general of the State of Louisiana, when he appeared before Subcommittee No. 5 of the House Committee on the Judiciary a week before the letter was written. It contains a number of pertinent comments on his testimony, and brings out a number of facts of great interest and great pertinence to the issue we are now discussing, and clearly indicates the deprivation of the right to vote, in opposition to and in violation of the constitutional rights of citizens of this country.

Mr. President, I also ask unanimous consent to insert in the RECORD at this point in my remarks a letter which was addressed to the Senator from California [Mr. KUCHEL] and myself by the Attorney General of the United States, under date of May 31, of this year.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 31, 1957.

HON. CLIFFORD P. CASE,
United States Senate,
Washington, D. C.

DEAR SENATOR CASE: Thank you for the letter of May 15 signed by you and Senator KUCHEL requesting the comments of the Department of Justice relative to the minority report filed by Senators ERVIN and JOHNSTON in opposition to S. 83 (the administration's civil rights program) and particularly to their discussion of their jury trial amendment. In addition to the comments which follow may I particularly call to your attention the statement of the American Civil Liberties Union opposing an amendment to require jury trial in contempt proceedings arising under the proposed civil rights legislation. This statement was reprinted in the CONGRESSIONAL RECORD for May 22, 1957, at pages 7369–7371.

The proposed legislation seeks merely to apply long-established civil procedures for enforcing Federal laws to civil rights cases where experience has shown the need for civil remedies. In urging Congress to authorize the Government to institute civil suits for preventive relief in civil rights cases we are requesting the right to use procedures long available to the Government as a means of enforcing other types of Federal laws. Ever since the adoption of the Sherman Act in 1890 the Department of Justice has been empowered to institute proceedings in equity to prevent and restrain civil violations of the antitrust laws as well as to bring criminal prosecutions. The Department of Labor uses the injunctive process as a means of enforcing the Fair Labor Standards Act. The Interstate Commerce Commission, the Civil Aeronautics Board, the Securities and Exchange Commission, the National Labor Relations Board, the Atomic Energy Commission, and other government agencies have similar authority to use civil remedies in addition to criminal prosecutions. In none of these fields are jury trials required in contempt cases.

There are valid reasons for the ever-increasing use of civil suits for preventive relief as a means of enforcing Federal law. Judicial determination of the validity of a course of conduct in advance aids the Government in its primary purpose of preventing violation of law. It also aids the defendant since he can litigate the legality of his proposed conduct without the necessity of taking action at the risk of a criminal conviction if he guesses incorrectly.

All of these reasons exist in the civil rights field, particularly in connection with the protection of the right to vote. The primary interest of the Government is in making it possible for all citizens to vote without discrimination based upon race, creed, or color, not in punishing local officials for denying such rights. Often it is not clear whether the particular conduct of a registrar of voters, for example, does constitute a violation of Federal law. Under present law the Government can only wait until the harm has been done—the right to vote denied—and then proceed with a criminal prosecution as a means of testing the validity of the registrar's action. The registrar himself is often caught between community pressures to discriminate and the fear of Federal criminal prosecution with no way to resolve the issue in advance. With civil remedies authorized, the Government will often be able to obtain a judicial ruling in advance of the election which will determine the legality of the proposed conduct of the registrar, removing from him the necessity of risking criminal prosecution and effectively protecting the constitutionally guaranteed right of citizens to vote without discrimination based on race, creed, or color.

Suits for preventive relief under the proposed legislation will be governed by the traditional rules of procedure which have always applied to such suits. The Government seeks no new or radical procedures to govern injunction suits in civil rights cases. Under the proposed legislation the rules of procedure which have traditionally governed equitable suits in the Federal courts would apply in the same manner and to the same extent that they now apply to other suits by the Government for preventive relief. The defendant in an injunction suit in a civil irghts case will have the same rights that the defendant now enjoys in a similar suit under the antitrust laws, the Fair Labor Standards Act, or any other one of the Federal laws mentioned above.

These procedural protections are ample to protect all legitimate rights of the defendant.

He gets a full hearing before the court on the question of whether his conduct violates Federal law and hence should be enjoined. If he disagrees with the determination of the court, he may appeal the ruling for full consideration by the appellate courts. In most cases this is the end of the matter. The defendant obeys the court order and the public interest in the enforcement of the Federal law has been vindicated. But if the defendant chooses to ignore or defy the court order he may be subjected to punishment for contempt of court. Again he is entitled to a full hearing before the court. He is presumed to be innocent, his guilt must be established beyond a reasonable doubt, and he cannot be compelled to testify against himself. If he is found guilty, he again may appeal. And an examination of the cases in recent years demonstrates that the appellate courts are alert to protect defendants against any possible unfairness in contempt proceedings.

It is true that wherever the Government is authorized to sue for preventive relief the defendant is not entitled to a jury trial in contempt proceedings. The Constitution of the United States recognizes the traditional differences between the procedures of courts of law and courts of equity and does not require jury trial in equitable proceedings. As long ago as 1890 the Supreme Court of the United States said: "It has always been one of the attributes—one of the powers necessarily incident to a court of justice—that it should have this power [the contempt power] of vindicating its dignity, of enforcing its orders, of protecting itself from insult, without the necessity of calling upon a jury to assist it in the exercise of this power." In 1914 Congress passed a statute (now 18 U. S. C. 3691) extending the right to jury trial in criminal contempt cases where the acts constituting the contempt also constitute criminal offenses under Federal or local law. This statute expressly excepted contempts arising out of disobedience to court orders entered in suits brought in the name of the United States. Since criminal contempt proceedings are not often sought in private litigation (the Clinton, Tenn., case is one of the few instances of its use), this statute has had little impact upon the enforcement of Federal court orders. In 1932, in the Norris-La Guardia Act, Congress, after removing almost all of the jurisdiction of the Federal courts to issue injunctions in labor dispute cases, provided for jury trial in contempt proceedings arising under the act. It was only with the enactment of the Taft-Hartley Act in 1947 that the Government was given jurisdiction to seek injunctions in any substantial number of labor dispute cases and that act expressly provided that the jury trial requirement of the Norris-La Guardia act should not apply to it. Hence it is probable that the statute which appears to grant jury trial in contempt proceedings for violation of injunctions issued in labor dispute cases (18 U. S. C. 3692) has no application to injunction suits brought by the Government under Taft-Hartley, which are, for all practical purposes, the only type of injunction suits (private or governmental) in labor dispute cases over which the Federal courts have jurisdiction. (See *United States* v. *United Mine Workers of America* (330 U. S. 258).)

With reference to jury trial, then, the procedure under the proposed legislation would be the same as that which has always governed suits by the Government for preventive relief. This procedure appears at the present time to be effective and satisfactory. I am aware neither of abuse nor of serious complaint of abuse by the Federal courts in contempt proceedings instituted for the purpose of enforcing injunctions issued in governmental litigation. I foresee no reason why this procedure should not be equally satisfactory in civil-rights cases.

Enactment of legislation providing for jury trial in contempt cases arising out of governmental litigation would undermine the authority of the Federal courts by seriously weakening their power to enforce their lawful orders. The effect of adopting current proposals for jury trial would be to weaken and undermine the authority of the Federal courts by making their every order, even when issued after due hearing and affirmed on appeal, reviewable by a local jury. Referring to proposals similar to those now advanced, President (and later Chief Justice) Taft said in 1908: "The administration of justice lies at the foundation of government. The maintenance of the authority of the courts is essential unless we are prepared to embrace anarchy. Never in the history of the country has there been such an insidious attack upon the judicial system as the proposal to interject a jury trial between all orders of the court made after full hearing and the enforcement of such orders."

Furthermore, the proposed amendment to existing procedures that is being advocated under the innocuous slogan of "jury trial" would permit practical nullification of the effectiveness of the proposed civil-rights legislation. The enforcement of any court order may require prompt and vigorous action if it is to be effective. Prompt action will often be vital in civil-rights cases, especially election cases where the registration period or the election may pass while enforcement is delayed. The injection of a jury trial between an order of a court enjoining discrimination against Negroes in an election, and the enforcement of that order would provide numerous opportunities for delay beyond the time when the order could have practical effect.

I hope that the foregoing statement provides the information requested by you. If I can be of further assistance, do not hesitate to call upon me.

Sincerely,

HERBERT BROWNELL, Jr.,
Attorney General.

Mr. CASE of New Jersey. Mr. President, the facts which have been admitted to the committees of this body and of the House, the facts which have been developed in debate in the House and in the Senate, indicate clearly the deprivation of voting rights that exists in this country, and the need for further legislation for the enforcement of those rights.

It is particularly appropriate, Mr. President, that these further remedies be by way of preventive relief. As I indicated earlier, it does not do a person who has been deprived of his right to vote any good to have the person who deprives him of the right, put in jail, and no amount of money damages can compensate a person deprived of the right to vote for that deprivation.

In spite of the existence of these theoretical remedies, the right to vote has been taken away from millions of our citizens. It is clear that an additional remedy is required. It is particularly appropriate, Mr. President, that the pending bill seeks to make that remedy a form of preventive relief—that is, to insure that a person will have the right to vote by having an action brought by the Attorney General of the United States. It is a Federal right, it is a right under the Constitution of the United States, and it is appropriate that it be enforced by action of the Federal Government.

It is appropriate that the relief be preventive relief, because the injury to persons who have been deprived of their voting right, is the kind of irreparable injury which courts of equity have historically and traditionally been called upon to prevent. On this point there has been very little discussion and very little protest by those opposed to the bill.

Almost everyone tacitly, if not openly, admits the deprivation of voting rights so far as millions of our citizens are concerned, and admits that preventive relief is a reasonable course of action for the Congress to take. But a joker has been suggested in regard to part IV of the bill. The contention has been made that the right of trial by jury ought to be given persons against whom proceedings are taken, or would be taken, under the provisions of the bill in case of violations, and in case the violators are haled into court to answer for those violations.

A number of suggestions have been made in regard to the way in which a jury trial might be provided, and it is interesting to note that modification after modification of those suggestions has been made by those who have offered them, as they have given further consideration to the problem. A provision for jury trial on questions of fact was first suggested by the Senator from Wyoming [Mr. O'MAHONEY]. He later suggested another amendment, based upon the technical distinction between civil and criminal contempt.

The Senator from Tennessee [Mr. KEFAUVER], I think, improved somewhat the original suggestion along that line by the Senator from Wyoming, and that stimulated the Senator from Wyoming to another effort, and another amendment by him has been sent to the desk this afternoon, but has not been available to us in printed form, so I shall not attempt to comment on that particular amendment in detail. But the gist of the present effort, apparently, Mr. President, is to provide that in cases of criminal contempt there shall be the right of trial by jury to persons charged with violation of orders of courts made under the provisions of this bill.

Mr. President, the adoption of a jury trial amendment along the lines of any amendments that have yet been suggested to this right-to-vote bill would make a mockery of the Federal courts in the field of civil rights.

I should digress at this point, perhaps, Mr. President, to say the amendment last offered by the Senator from Wyoming, as I understand it, applies not alone to actions brought under this particular bill—that is to say, actions in regard to voting rights—but applies to all contempt actions in the Federal courts. Therefore, if such amendment should by chance be adopted it would not only make a mockery of the court in the field of civil rights but also in the field of all litigation in the Federal courts.

Though the court's enforcement powers would be reduced by most of these amendments only in the civil rights area, the last amendment proposed by the Senator from Wyoming, as I understand it, would apply in all areas. The damage to the courts would be general, and disrespect for duly constituted authority would also be general.

As I indicated, the pivotal distinction in the various jury-trial amendments proposed lies in the allegedly significant difference between civil contempt and so-called criminal contempt. Under the amendments proposed, the Federal courts would be able to punish disobedience in the former category, in the civil-contempt category, but not in the latter.

In practice, however, most of the cases which would arise under this proposed legislation would require a jury, if the O'Mahoney amendment were to be adopted. Most contempts in the voting field would be so-called criminal contempts, not because the disobedience would necessarily be any more criminal than if it were a civil-contempt case, but because of the highly technical definition of civil and criminal contempt which prevails under present law.

Broadly speaking, Mr. President, a contempt is normally civil when the court has ordered an affirmative act to be done which the defendant has the means or opportunity to do, if only he will do so. A contempt is normally criminal when the court has ordered the defendant not to do a certain act, and, despite the order, the defendant persists in doing it.

Let me illustrate by a few hypothetical examples, Mr. President. For the purpose of these examples, it is assumed that the registration period for the jurisdiction in question extends from May 15 to July 15.

Example A. If a registrar is discriminating against Negroes by requiring them to read and interpret the Constitution to his satisfaction, exempting white persons from such a requirement, a suit could be brought under this bill to enjoin the continuance of such a practice. Once the fact of the discrimination had been established in a hearing, the normal practice of the court would be to direct the registrar to cease discriminating by applying the constitutionality test to the Negroes and not to the whites. Any violation of such an order would be a criminal contempt. This would be true even if the contempt proceeding were brought on June 15, while there was still ample time to register those who had been denied registration. Since the registrar had done what he had been directed not to do, the contempt under the age-old distinction would be considered criminal contempt.

Example B. Suppose, however, that a Negro, Henry Smith, who had been on the registration rolls for years, should be challenged and his name should be removed from the rolls by the registrar. Suppose further that either the affidavit challenging Smith's registration or the alleged ground for the challenge was insufficient. The court then would order the registrar to take affirmative action; namely, to place Henry Smith back on the rolls. If the registrar did not comply shortly with that order he might be brought into court on a contempt charge, as soon as he had a reasonable opportunity to comply with the order. If he were brought in on July 8, he could then be punished for civil contempt and imprisoned until he had done what the court had ordered him to do. In the ago-old phrase, in that situation the defendant has the keys to the jail in his pocket and may release himself merely by complying with the order of the court and doing what he had been directed to do.

As the Supreme Court said in the case of *Gompers* v. *Buck Stove & Range Co.* (221 U. S. 418), at page 441:

> Imprisonment in such cases is not inflicted as punishment but is intended to be remedial by coercing the defendant to do what he has refused to do.

Such punishment is considered to be for the benefit of the complainant and, therefore, in a measure is inflicted to uphold the court's authority.

However, if the registrar continues to refuse to comply until the July 15 deadline has passed, obviously he can no longer be confined in jail, because he would no longer be able to remedy the complainant's plight, even if he were released from the jail to do so. The only remedy which would then be available in the civil contempt proceeding would be the compensatory fine, which is designed to compensate the complainant for the damages he has suffered by the defendant's failure to comply. But the courts have said that such a fine must be measured at least in some degree by the pecuniary injury to the plaintiff caused by the act of disobedience. Of course, the complainant would have great difficulty showing that he had received any substantial pecuniary injury in such a case.

The only realistic sanction behind the order of the court in such cases is the power of the court in a criminal contempt proceeding to imprison or fine the defendant for acts of disobedience.

Example C: Assuming the very same set of facts as set forth in example B above, should the challenge be made toward the end of the registration period and the contempt proceeding be delayed until the deadline had passed, the proceeding would have to be for criminal contempt, for obviously the defendant would be unable to comply with the court order to put Henry Smith back on the registration roll. Unless the defendant's disobedience of the court order is to be ignored, the court has no way to enforce its authority other than to imprison or fine for criminal contempt.

I believe unless the Federal judge is to take over the role of registrar he will normally proceed by ordering the local official to refrain from discriminating practices in registering voters. In most cases, any contempt of such orders will necessarily be criminal.

Let us assume for a moment the kind of factual situation in which the jury would be interposed. As in example A, one or more Negro citizens who feel their right to vote is being denied on discriminatory grounds by the registrar or other local election officials may file a complaint with the Department of Justice. If on the basis of such complaints and its own investigation the Department feels the voting rights are being unlawfully denied, the United States may bring suit in the Federal court for that district, asking that the court order the defendants to stop such discrimination.

The impression has been created that this would give the courts vast new powers subject to no restraint but, Mr. President, nothing could be further from the truth. Both the Federal rules and judicial decisions make this clear.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks rule 65 of the Federal Rules of Civil Procedure.

There being no objection, rule 65 was ordered to be printed in the RECORD, as follows:

RULE 65. INJUNCTIONS

(a) Preliminary; notice: No preliminary injunction shall be issued without notice to the adverse party.

(b) Temporary restraining order; notice; hearing; duration: No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(c) Security: No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the United States or of an officer or agency thereof.

A surety upon a bond or undertaking under this rule submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescirbes may be served on the clerk of the court who shall forthwith mail copies to the persons giving the security if their addresses are known.

(d) Form and scope of injunction or restraining order: Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reason-

able detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(e) Employer and employee; interpleader; constitutional cases: These rules do not modify any statute of the United States relating to temporary restraining orders and preliminary injunctions in actions affecting employer and employee; or the provisions of title 28, United States Code, section 2361, relating to preliminary injunctions in actions of interpleader or in the nature of interpleader; or title 28, United States Code, section 2284, relating to actions required by act of Congress to be heard and determined by a district court of three judges.

Mr. CASE of New Jersey. Mr. President, first of all, the court cannot order any change in the registration picture until there has been a full hearing on the merits of the case. Until such a hearing can be held, the most a court can do is to order the registrar to maintain the status quo. During this period, the names of any Negroes or other voters who are already registered may not be stricken from the rolls, and of course none can be added to the rolls until after such a hearing.

When the hearing is held, the registrar or other defendant will receive all the benefits available in an ordinary civil case, including the opportunity to present his own witnesses, to show why a permanent injunction should not be issued. The defendant will therefore have his day in court before he can be ordered to take any affirmative action.

Mr. President, the defendant will have every civil right enjoyed by litigants in private litigation. He will have the right to counsel, and the right to cross-examine witnesses. The decision must be made by a preponderance of the evidence.

When the order is finally issued, as the result of the complaint, whether the order requires affirmative action or is merely restraining, it is hardly unreasonable to require that the order be obeyed, for if the defendant refuses to comply with the order he has the same right as any other defendant to appeal to the higher courts.

I cannot understand, Mr. President, why the defendant in a voting case should be treated in a different manner from a defendant in other cases involving the United States. What possible justification can there be for countenancing disobedience on the part of defendants? The question posed by the jury trial amendment is really whether or not the defendant should be permitted to avail himself of a jury trial despite the fact that he has already had his day in court.

In most contempt cases the defendant would most likely be an election official who had been a party to the original injunction. The only other persons who could be charged with contempt would be persons who had acted as agents of, or in concert with a party to the original injunction.

Rule 65 of the Federal Rules of Civil Procedure makes that very clear. Subsection (d) of rule 65 provides that

Every order granting an injunction, and every restraining order, shall set forth the reasons for its issuance. It shall be specific in terms. It shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained, and is binding only on the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them, who receive actual notice of the order by personal service or otherwise.

Mr. President, if a person is allegedly one who has disobeyed an order of the court, he has other procedural safeguards. The United States Supreme Court has made it clear that a defendant in a criminal contempt case is entitled to all the procedural protection, other than jury trial, which he would have in an ordinary criminal prosecution. He is presumed to be innocent. His guilt must be proved beyond a reasonable doubt; and he cannot be compelled to testify against himself. (*Gompers* v. *Buck's Stove and Range Co.*, 221 U. S. 418, p. 444; and *Michaelson* v. *United States*, 266 U. S. 42, p. 46.)

Except where the act constituting the contempt takes place in the presence of the court, the defendant is entitled to notice of, and a reasonable opportunity to meet, the charges against him, including the right to counsel and the right to present his own witnesses and cross-examine others (*Cook* v. *United States*, 267 U. S. 517; Federal Rules of Criminal Procedure, 42, subsec. (b)).

Furthermore, any abuse by the judge of his authority in contempt proceedings is subject to review on appeal; and the courts of appeal and the Supreme Court have a long record of vigorous action to protect the rights of defendants in contempt proceedings.

But, Mr. President, the proponents of jury trial in so-called criminal contempt cases would overlook all these procedural safeguards, and would have the question of a defendant's guilt decided by a jury. What this really means is that a jury would be deciding whether or not the court's order should be obeyed. If this were not already enough, the question of the registrar's guilt would be submitted to a jury composed largely, if not entirely, of those whom the discriminatory registration practices are designed to favor. As the distinguished senior Senator from Illinois [Mr. DOUGLAS] has so amply documented, in most of the States where civil rights cases would be concentrated jurors are drawn only from the rolls of registered voters. So discriminatory registration practices result in the ineligibility of those discriminated against to serve on a jury. In effect, the victims of discrimination are told to look for relief to a body discriminatory in itself.

The opponents of right-to-vote legislation have made no secret of the heavy reliance they place upon a jury as a means of upholding what the senior Senator from Georgia has candidly acknowledged to be the system of segregation of the races. Without seeking in any way to cast aspersions on those who would serve as jurors should any of these amendments be adopted, I do not envy the position in which they would be placed should the determination of these questions be taken from the courts and vested in petit juries.

The aftereffects of the recent jury trial in Clinton, Tenn., are illustrative. The jury in that case merits the respect and admiration of the entire Nation for the objective manner in which it conducted itself. However, as the New York Times reported yesterday, there are ominous rumblings of bitterness in the area following the convictions handed down in that case. The Times quoted one Clinton resident as saying:

The Ku Klux are organized. They are not going to stop now. They mean business. Make no mistake about it.

Later in the same report, the Times quoted William Shaw, assistant attorney general of Louisiana, and a member of the defense counsel in the Clinton trial, as saying:

There won't be any convictions by juries in segregation cases down South.

That is an interesting contrast with the statement which the attorney general of Louisiana made before the House Committee on the Judiciary last January, and included in the letter of the Assistant Attorney General, Mr. Olney, to Representative CELLER, dated February 21, which I have already inserted in the RECORD.

The attorney general of Louisiana, apparently the boss of Assistant Attorney General William Shaw, is named Jack P. F. Gremillion. He stated to the Committee on the Judiciary of the House last winter:

I actually do not know anything officially or unofficially about the activities of the citizens' council in my State. I am not a member, and I actually do not know; but I do know that up at Monroe they did have some difficulty with respect to voting. But that is definitely not a general rule throughout the State, and I think it is more or less an exception.

Of course, Mr. President, the fact that Clinton, Tenn., sought voluntarily to integrate its own school system suggests that the citizens in that area are not dedicated to the maintenance of the system of separation of the races, which has been so vigorously defended throughout this debate.

Elsewhere we can hear echoes of the same sentiments attributed by the New York Times to Mr. Shaw, assistant attorney general of Louiisana. For example, last fall, when the Assistant Attorney General of the United States, Warren Olney, reported to Congress on registration irregularities in the South, Gov. J. P. Coleman, of Mississippi, revealed what he expected from Mississippi jurors should the Justice Department prosecute any cases in his State. As quoted by the Jackson, Miss., Clarion-Ledger of October 25, 1956, Mr. Coleman commented on Mr. Olney's report as follows:

I have already discussed this fully with the attorney general of Mississippi, and we expect to appear personally in any Federal

court where any Mississippian is indicted on these trumped-up charges, and we will defend them before a jury of Mississippians.

That is from the Governor of the State of Mississippi.

Mr. President, the distinguished and very able Senator from Oregon [Mr. MORSE] made a speech on the bill the other day, which was one of the finest speeches I have ever had the privilege of hearing in the Senate. It is useful with respect to many aspects and many of the questions involved in the proposed legislation. I should like to quote briefly from it:

It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that in the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

"The defense appealed for a verdict that would give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions."

The Senator from Oregon continued:

It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there.

I should like to call attention to a report published in the New York Times of July 25, 1957, quoting an editorial from the News of Jackson, Miss., headed "Not Southern Sentiment":

NOT SOUTHERN SENTIMENT

The conviction is understandable. First, the trial took place in Knoxville, which happens to be a hotbed of Republicans and always has been, even back in the days of the War Between the States. Second, Tennessee happens to be the State that elected ESTES KEFAUVER, traitor to the South, to a seat in the United States Senate. Third, Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation. Finally, the verdict is a warning to the South of what vicious elements now in control of the Government intend to do to our section of the Nation.

At this point it might be appropriate to include in the RECORD some letters I have received, together with memorandums, from Assistant Attorney General Warren Olney III, in reply to a request I made of him for any information he might have in regard to alleged brutality against Negro prisoners in the Hinds County jail, Jackson, Miss. Today I have received from Mr. Olney his reply, dated July 26, 1957, listing several enclosures.

I ask unanimous consent that the letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 26, 1957.

Hon. CLIFFORD P. CASE,
United States Senate,
Washington, D. C.

DEAR SENATOR CASE: In response to your inquiry as to what action has been taken by Federal and State authorities in connection with the allegations of brutality against Negro prisoners in the Hinds County jail, Jackson, Miss., I am enclosing the following self-explanatory documents:

1. Memorandum regarding investigation of complaints of brutality in Hinds County jail, Jackson, Miss., with photographs of beaten prisoners attached.

2. Letter from Assistant Attorney General Warren Olney III, dated June 27, 1957, to Circuit Judge Leon F. Hendrick, Jackson, Miss.

3. Letter from Circuit Judge Leon F. Hendrick dated July 5, 1957, to Assistant Attorney General Warren Olney III.

4. Letter dated June 27, 1957, from Assistant Attorney General Warren Olney III, to District Attorney Robert Nichols, Hinds County courthouse, Jackson, Miss.

5. Letter dated July 11, 1957, to Assistant Attorney General Warren Olney III, from District Attorney Robert G. Nichols, Jackson, Miss.

6. Memorandum dated July 19, 1957, from Assistant Attorney General Warren Olney III, to James V. Bennett, director, Bureau of Prisons.

Sincerely,

WARREN OLNEY III,
Assistant Attorney General.

Mr. CASE of New Jersey. The first enclosure is a memorandum regarding the investigation of complaints of brutality in Hinds County jail, Jackson, Miss.

I should like to read briefly from a portion of that memorandum, but first I ask unanimous consent that the entire memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM RE INVESTIGATION OF COMPLAINTS OF BRUTALITY IN HINDS COUNTY JAIL, JACKSON, MISS.

INSTITUTION OF INVESTIGATION

On January 9, 1957, the FBI sent to the Criminal Division copies of articles appearing in 3 Mississippi newspapers. These articles related that Jesse L. Thornton and David Calhoun, Negroes of Greenville, Miss., claimed to have been brutally beaten with a leather strap while being held in Hinds County jail for investigation of burglary. By memorandum to the Bureau dated January 16, 1957, this Division requested a preliminary investigation to determine whether there was evidence of the commission of a Federal offense. The report of the preliminary investigation was sent to the Criminal Division on February 1. By a further memorandum dated February 5 the FBI advised the Criminal Division that United States Attorney Robert E. Hauberg, Jackson, Miss., after reviewing a copy of the report of the preliminary investigation, had requested that a full-scale investigation be conducted.

EVIDENCE DEVELOPED BY FBI INVESTIGATION

In connection with the investigation of the complaint of Thornton and Calhoun, a considerable number of Hinds County jail inmates and former inmates were interviewed. These interviews adduced further allegations of brutality in the jail, which allegations were in turn investigated. As to a number of the alleged cases, no substantial evidence was developed. Such unsubstantiated reports will not be reviewed in this memorandum. In those cases where some substantial evidence was developed by the investigation the evidence will be here summarized with reference to each victim, or group of victims.

Victims: Louis Norris Brent, David Calhoun, Jesse Lee Thornton, John Wesley Wallace.

On the evening of Wednesday, December 19, 1956, Brent, Calhoun, Thornton, and Wallace, while driving in Thornton's car toward Raymond, Miss., were stopped by an officer of the Mississippi Highway Safety Patrol. The men had in the car two bottles of liquor, a "money-finding machine," and a small bottle of so-called voodoo medicine. The four men were taken to the county jail in Raymond, Miss., held overnight, and on the following day transported by personnel of the Hinds County sheriffs' office to Hinds County jail in Jackson, Miss. Brent, at this time, was under indictment for burglary and was being sought by the police. The other three men had no criminal records except for minor arrests. The 4 men state that from the evening of December 20 through December 21, 1956, they were taken, singly, to a laundry room located in the jail and that each was there beaten with a leather strap and questioned regarding an alleged burglary. Brent states that during this period he was beaten twice; Calhoun and Thornton state they were each beaten on four separate occasions, and Wallace states that he was beaten once. The beating in each instance as related by the victim followed substantially the same pattern.

The victim would be taken from his cell to the laundry room where a number of Negro prison trusties were assembled. The victim's pants would then be removed and he would be held, face down and spread-eagled on the floor by the trustees under the direction of the jail personnel who, in each case, were the night jailer, John Clifton Broome, and Deputy Sheriffs Raymond D. Bonner and Lazelle M. Garrett. Broome would then strike the victim several blows on the bare buttocks with a leather strap approximately 3 inches wide and 3 feet long. The whipping would be interrupted from time to time and questions asked the victim by Bonner and Garrett. If the victim denied knowledge of the burglary regarding which he was being questioned the whipping would then continue. If the questioning elicited no admissions from the victim after a total of around 25 to 40 lashes had been administered, the process would then be discontinued and the victim told that he would be whipped every hour until he gave the information asked for. In between whippings the victim would, in many cases, be placed in 1 of 2 small solitary-confinement cells called hot boxes, and would there be fed only bread and water.

Brent states that under the beating he told the deputy sheriffs that Calhoun and Thornton had been implicated in a burglary committed by Brent. Brent states that Calhoun and Thornton had not, in fact, participated in any burglary with him but that he answered in the affirmative to avoid further beating. Brent did not implicate Wallace. Calhoun, Thornton, and Wallace all consistently denied implication in any burglary, despite their having been beaten.

In the course of the investigation FBI agents interviewed former prisoners of Hinds County Jail, seven of whom stated they had witnessed some of the various beatings of Brent, Calhoun, Thornton, and Wallace. Five of them stated that under orders from Broome and the two deputies they had helped hold the victims on the floor during the beatings. Some of them stated they were spattered by the victims' blood when the whip came in contact with victims' buttocks. One former prisoner says that he was ordered and did hold a towel in the mouth of each victim during the beatings. Although the buttocks of Calhoun and Thornton were severely lacerated and later ulcerated, they received no medical attention while in the jail other than the application of some type of antiseptic by a jail trusty.

The man having general responsibility for the investigation of Brent, Calhoun, Thornton, and Wallace in connection with the alleged burglary, or burglaries, was Andrew Hopkins, chief criminal deputy of the Hinds County sheriff's office. He questioned each of the victims on a number of occasions in the jail including the night on which they ar-

rived from the jail at Raymond. Hopkins was not present in the laundry room at any time when the whip was being used. Brent states that on one occasion after he had been beaten Hopkins told the deputies who had been questioning Brent in the laundry room, "Take him back to the wash room and we will get it out of him." A former prisoner who claims to have witnessed the whipping of Calhoun states that on one occasion while Calhoun was in the laundry room but not being whipped, Hopkins came to the door and told the other deputies, in substance, to get a confession from Calhoun before the "other sheriffs got him."

In Hinds County Jail the victims were also interviewed by law enforcement officers of other counties. Some of these officers state that when Brent was interviewed he was ready to admit commission of any burglary regarding which they questioned him, even though closer cross examination clearly indicated that he did not and could not have committed some of those to which he readily confessed.

A "few days before Christmas" the Greenville Police Department received a request from Chief Criminal Deputy Hopkins to "pick up" and hold Thornton's wife, a school teacher, for questioning in connection with the burglary. The Greenville police interviewed Mrs. Thornton and with her consent searched the Thornton home for loot from the burglary. On the same day that the request had been received from Hopkins, a captain of the Greenville Police Department advised Hopkins that they had checked out the alibis of Calhoun and Thornton and were satisfied that they were true. Hopkins indicated that he still believed Calhoun and Thornton to be have been implicated in the burglary.

On December 27, 1956, Wallace was released from the Hinds County jail. On December 31 Calhoun and Thornton were charged in local court with having been drunk. The charging affidavit and the court records were predated to December 21 and the sentence indicated as 10 days in jail.

On the day of their release from jail Calhoun and Thornton were admitted to the County General Hospital in Greenville, Miss. The hospital records reflect, with reference to Calhoun, that examination revealed the buttocks to have an area of ulcer about the size of the palm of hand on each side. This ulcerated area is infected. There is a black, hard mass on the top of each ulcer. * * * Patient lay in excruciating pain unable to talk coherently or to explain exactly what happened; however, he stated that he had been in jail where he was beaten in Jackson since December 20 and has been released today, December 31, 1956. The records further indicate patient unable to walk. The hospital records contain similar entries with reference to Thornton. On January 1, 1957, a physician performed a denudation operation on the buttocks of each victim to remove the diseased tissue and to cleanse the wounds. Color photographs of the buttocks of Calhoun and Thornton were taken by their attorney. Prints of these photographs are attached hereto as exhibits. Thornton was discharged from the hospital on January 19. Calhoun was still confined in the hospital when interviewed on January 25.

Bonner, Broome, Garrett, Hopkins, and all other personnel of Hinds County jail and of the sheriff's office who were interviewed denied any knowledge of any whippings or other mistreatment of the victims or of any other prisoners. Hopkins speculated that the condition of the buttocks of Calhoun and Thornton had resulted from the men having applied some of the voodoo medicine to their skin.

Victim: Bernard S. Huddleston.

On November 28, 1956, Huddleston, a 21-year-old white sailor, was arrested with two other men in Jackson, Miss., for attempted robbery. The three men were held in Hinds County jail. Huddleston states that on the morning of November 29, 1956, he was kicked and beaten by the jailer, John Clifton Broome. Huddleston states that Broome ordered several Negro trusties to hold him prone on the floor and that Broome then beat him with a leather strap on the buttocks. Huddleston was fully clothed at the time. Five former prisoners of Hinds County jail interviewed by the FBI state that they witnessed the beating of Huddleston. The former prisoners state that Huddleston was himself belligerent and caused a disturbance prior to his being held by the trusties or beaten by Broome.

Victim: Johnnie Lee Greer.

Greer, a Negro, served a sentence for burglary in Hinds County jail from November 1955 until February 18, 1957. He states that sometime around the summer of 1956 he was accused by the jailer, John Clifton Broome, of having passed notes to a white woman prisoner in the jail. He states that he was taken to the laundry room and held by several jail trusties while being whipped with a leather strap by Broome and the chief criminal deputy, Andrew Hopkins. He states that after Broome and Hopkins tired of whipping him they gave the strap to a trusty who also hit Greer 10 or 12 times. Greer states that his buttocks were raw when the whipping ended.

A former jail trusty who claims to have witnessed the beating of Greer states that when Broome handed the strap to the other trusty to continue beating Greer, Broome told the other trusty to hit Greer across the face and put his eyes out.

The former prisoner white woman to whom Greer is alleged to have talked and passed notes in the jail was interviewed by the FBI. She states that Broome told her that they had whipped her "boy friend." She further states that at about this same time she saw Hopkins in a corridor of the jail with a leather strap. Another white woman prisoner who, Greer says, complained to Broome of Greer's conduct, states that on one occasion Broome threatened to beat her.

Victim: Ellic Lee.

Lee was imprisoned in Hinds County jail from November 1955 until after his trial on a charge of burglary and larceny in April 1956. Lee states that about a month and a half before his trial he obtained permission from Broome to leave the jail and spend a night at his home. Instead of returning to the jail the following day, Lee went to Houston, Tex., to see, he says, about his sister who had died. Lee was arrested in Houston by local police, and returned to Jackson by Chief Criminal Deputy Hopkins. Lee states that the day after his trial and conviction Broome ordered some of the jail trusties to remove Lee from his cell and take him to the laundry room. Lee was there stripped of his clothing and held prone on the floor by the trusties on the order of Broome. Both Broome and Hinds County deputy sheriff, Robert William Jones, then whipped Lee with a leather strap. Broome, after tiring, gave the strap to a jail trusty to continue the whipping. Lee states that as a result of the whipping the skin on both sides of his buttocks was broken and bleeding.

Three former Hinds County jail trusties who were interviewed by the FBI claim to have witnessed the beating of Lee by Broome and Jones. One of these former trusties states that he counted the number of "licks" that Lee was given and there were 36 of them.

Victim: Fred Lee Wallace.

Wallace is presently a prisoner in Hinds County jail. On one occasion around the summer of 1956 he was permitted to leave the jail on an errand and did not return until the following day. He states that thereafer he was taken to the laundry room and beaten with a leather strap by the jailer, John Clifton Broome, while being held by some of the jail trusties. He states that he was whipped about 25 "licks." At one point while he was struggling to break away, Wallace states that he rolled over on his back and was struck by Broome on the face. Wallace displays scars on either side of his forehead which he claimed resulted from the whip strokes on his face. Of the former jail inmates interviewed by the FBI, three stated that they had witnessed this beating of Fred Wallace by Broome and Hopkins. The witnesses state that jailer D. C. Yearwood was also present but did not strike Wallace.

About August 23, 1956, Fred Wallace again ran off from the jail. He went to Vicksburg, became intoxicated, and fell over a cliff. Deputy Sheriff Robert William Jones returned Wallace from the Vicksburg hospital to the Hinds County jail. Wallace states that 20 days after his being returned from Vicksburg, he was whipped by Jones and jailer Farley H. Boteler in the laundry room of the jail in punishment for having run away to Vicksburg. Wallace says that he was held on the floor of the laundry room by a number of jail trustees and was whipped with a leather strap on his bare buttocks. Boteler and Jones took turns whipping Wallace. Wallace states he believes he was given a total of about 60 licks. Three of the former jail inmates interviewed by the FBI state that they witnessed this beating of Wallace by Jones and Boteler. One of the witnesses states that Wallace was given approximately 25 licks.

Victim: Milton Parker.

Parker, who had been arrested for burglary, was transferred to the Hinds County jail just before Christmas 1956. He states that while in the jail he was taken to the laundry room by jailer John Clifton Broome, and two other officers. In the laundry room he was held by several jail trusties and whipped by the officers with a leather strap. After being whipped, Parker signed a confession of burglary. Parker states that one of the officers who participated with Broome in the whipping was Deputy Sheriff Raymond D. Bonner. All former jail inmates interviewed by the FBI denied having witnessed any whipping of Parker, although some of them, according to Parker's statement, had been present. Witnesses were interviewed who state that on one occasion Broome ordered Louis Norris Brent to expose his lacerated buttocks for Parker to see, and that Parker was told that he would get the same medicine if he did not cooperate.

Victim: Jessie W. Perry.

In the course of the investigation, FBI agents interviewed a former inmate of Hinds County jail who stated that sometime shortly before August 16, 1956, he witnessed a prisoner being whipped in the jail. The witness gave a physical description of the prisoner and stated that he was reputedly from Rankin County, Miss. He further stated that the whipping was administered by a law enforcement officer with whom the witness was not familiar and was witnessed by another unfamiliar officer. On the basis of this information the FBI, through a search of records in Rankin County, Miss., determined that one Jessie W. Perry had been lodged in Hinds County jail for the 1 night of August 7, 1956, by Rankin County law enforcement officers. J. W. Perry was located and found to fit the description previously given by the witness.

Perry stated that he had been cited for a traffic violation by Alex Raydell Thornton, town marshal of Flowood, Miss. Perry failed to respond to the citation and was visited at his home by Thornton and Constable J. B. Torrence, who sought to serve a warrant upon Perry. Perry refused to admit the officers into his house and telephoned the mayor.

Thereafter the mayor came to the house and Perry agreed to go with the three men. Perry was fined for the traffic violation but was rearrested by Torrence and Thornton for resisting arrest and attempted assault. The two officers took Perry from Rankin County to the Hinds County jail at Jackson. Perry states that he was there ordered to remove his clothes and lie down on the floor, which he did. He was not held. He was then whipped with a leather strap by Torrence. Thornton was present during the whipping, as was one of the jailers of Hinds County jail. Perry was released the following morning. Thereafter he pled guilty to the charges of attempted assault and resisting arrest and paid a fine of $100 plus $20 costs.

PROSECUTIVE ACTION

United States Attorney Robert E. Hauberg presented evidence of the alleged cases of brutality in Hinds County jail to a United States grand jury sitting in Jackson, Miss. A total of 56 witnesses testified before the grand jury from June 4 through June 13, 1957. No indictments were returned.

Mr. CASE of New Jersey. Mr. President, I read from the memorandum:

On January 9, 1957, the FBI sent to the Criminal Division copies of articles appearing in three Mississippi newspapers. These articles related to Jesse L. Thornton and David Calhoun, Negroes of Greenville, Miss., claimed to have been brutally beaten with a leather strap while being held in Hinds County jail for investigation of burglary.

By memorandum to the Bureau dated January 16, 1957, this division requested a preliminary investigation to determine whether there was evidence of the commission of a Federal offense. The report of the preliminary investigation was sent to the Criminal Division on February 1.

By a further memorandum dated February 5 the FBI advised the Criminal Division that United States Attorney Robert E. Hauberg, Jackson, Miss., after reviewing a copy of the report of the preliminary investigation, had requested that a full-scale investigation be conducted.

Mr. President, since the entire memorandum has been placed in the RECORD, I shall not take the time of my colleagues to read further from it, except to point out that it concludes that these shocking cases were presented by United States Attorney Robert E. Hauberg to a United States grand jury sitting in Jackson, Miss.

The memorandum states that a total of 56 witnesses testified before the grand jury from June 4 through June 13, 1957.

The memorandum concludes with this simple statement:

No indictments were returned.

I know the photographs cannot appear in the RECORD, but I have before me two photographs, shocking in the extreme, showing the two victims of the alleged brutality. I shall be very glad to show them to any of my colleagues, who will find them horrible but, perhaps, somewhat persuasive on the question of what can happen and does happen in certain parts of our country for which no redress exists.

Mr. President, I ask that the remaining enclosures which accompanied the letter of the Assistant Attorney General, Mr. Olney, be printed in the RECORD. They consist of letters by Mr. Olney to Judge Leon Hendrick, dated June 27, 1957, asking Judge Hendrick to inform him whether he planned to call this matter to the attention of the Hinds County grand jury or to take any other prosecutive or administrative action, assuring him of the full cooperation of the Department of Justice, and stating that he was sending a copy of the letter to District Attorney Nichols.

He had a brief reply from Judge Hendrick, under date of July 5, 1957, saying that it was not his intention to charge the jury further on these particular allegations, since they had already been investigated by the Hinds County grand jury recently, and also by the Federal grand jury.

Then, of course, there is the reply of the Hinds County district attorney, which is similarly negative.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 27, 1957.

Hon. LEON HENDRICK,
Hinds County Courthouse,
Jackson, Miss.

DEAR JUDGE HENDRICK: On the occasion when I conferred with you in Jackson, Miss., and with Hinds County District Attorney Nichols, United States Attorney Hauberg, and Mr. St. John Barrett, of the Criminal Division of the Federal Department of Justice, about the investigation then being conducted by the Federal Department of Justice into complaints of alleged brutality committed in the Hinds County jail, Jackson, Miss., you requested to be informed of the facts at the conclusion of the Department's inquiry. Accordingly, I am enclosing a memorandum entitled "Memorandum Re Investigation of Complaints of Brutality in Hinds County Jail, Jackson, Miss.," dated June 26, 1957, setting forth the facts and summarizing the evidence in the matter.

I will be grateful if you will inform me as to whether you plan to call this matter to the attention of the Hinds County grand jury or to take any other prosecutive or administrative action. If any such action is taken you may be assured of full cooperation from the Justice Department. I would like to be advised as soon as possible as our own future course in this matter will wait upon your decision.

I am also sending a copy of the enclosed memorandum, together with a similar letter to District Attorney Nichols.

Very truly yours,
WARREN OLNEY III,
Assistant Attorney General.

INVESTIGATION OF COMPLAINTS OF BRUTALITY IN HINDS COUNTY JAIL, JACKSON, MISS.

During a period extending from January through May of this year, the FBI, at the request of this division, has investigated allegations of brutality to prisoners in the Hinds County jail located in Jackson, Miss. I am enclosing original and copy of a summary which we have prepared of the evidence developed in the course of the investigation.

As you will note in the summary, the evidence was presented to a Federal grand jury in June of this year but no indictments were returned. Copies of this same summary have been sent to the State circuit judge and the State circuit attorney in whose circuit the Hinds County jail is located. We have been advised by the State circuit judge, in a letter dated July 5, 1957, that he contemplates no action with regard to these complaints at the present time.

Inasmuch as the Hinds County jail is presently approved for the detention of Federal prisoners, I am bringing this evidence developed by the FBI investigation to your attention for whatever action you may deem appropriate.

JACKSON, MISS., *July 5, 1957.*

Hon. WARREN OLNEY III,
Assistant Attorney General, Department of Justice, Washington, D. C.

DEAR MR. OLNEY: Thank you for your letter of June 27 enclosing report. It came too late.

As the matters contained in the report have already been investigated by a Hinds County grand jury and just recently by a Federal grand jury it is not my intention to charge the jury further about these particular allegations.

In the future if you ever have complaints in my district which after an investigation appear to have merit, and will furnish me with a complete report, I will earnestly urge the grand jury having jurisdiction to make a thorough investigation and inquiry.

Sincerely,
LEON F. HENDRICK.

JUNE 27, 1927.

ROBERT NICHOLS, Esq.,
District Attorney, Hinds County Courthouse, Jackson, Miss.

DEAR MR. NICHOLS: On the occasion when I conferred with you in Jackson, Miss., and with Judge Leon Hendrick, United States Attorney Hauberg, and Mr. St. John Barrett of the Criminal Division of the Federal Department of Justice about the investigation then being conducted by the Federal Department of Justice into complaints of alleged brutality committed in the Hinds County jail, Jackson, Miss., you requested to be informed of the facts at the conclusion of the Department's inquiry. Accordingly, I am enclosing a memorandum entitled "Memorandum re Investigation of Complaints of Brutality in Hinds County Jail, Jackson, Miss.," dated June 26, 1957, setting forth the facts and summarizing the evidence in the manner.

I will be grateful if you will inform me as to whether you plan to call this matter to the attention of the Hinds County grand jury or to take any other prosecutive or administrative action. If any such action is taken you may be assured of full cooperation from the Justice Department. I would like to be advised as soon as possible as our own future course in this matter will wait upon your decision.

I am also sending a copy of the enclosed memorandum, together with a similar letter to Judge Hendrick.

Very truly yours,
WARREN OLNEY III,
Assistant Attorney General.

OFFICE OF THE DISTRICT ATTORNEY,
SEVENTH JUDICIAL DISTRICT,
Jackson, Miss., July 11, 1957.

WARREN OLNEY III, Esq.,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, D. C.

DEAR MR. OLNEY: Thank you for your letter of June 27 wherein you enclosed the memorandum re investigation of complaints of brutality in Hinds County jail, Jackson, Miss.

This is to advise that the undersigned has no plans to again submit these charges to our grand jury. As to any prosecutive or administrative action other than through the grand jury, this writer feels that he has no authority along those lines.

You will recall in our conversation last April I stated the position of the State of Mississippi in this matter to be that we considered this to be a problem of local nature and that our grand jury should be afforded the benefit of the splendid investigation made by the FBI. At that point, you advised me that the Federal court was assuming jurisdiction and the investigation of the bureau would not be made available to the State grand jury. I repilied that our investigation was only partially complete (we

had statements from approximately 32 inmates and former inmates of the local jail), and that, if the Federal court was going to assume jurisdiction, the State grand jury would very likely refuse to go further with the case. That is exactly what happened.

As to what occurred before the Federal grand jury, I have no way of knowing. Due to the fact that that body had many times more investigative results than did the State, and still they refused to indict, I feel it would be utter folly to resubmit these charges to a local grand jury. I feel that both of the circuit judges of this district will agree with me.

In conclusion, let me say that I am truly sorry that the undersigned, as chief law enforcement officer of three counties, had to be put in the position of engaging in a fight with agents of the FBI. However, in order to eliminate any doubt, the undersigned feels that no one, be he an individual citizen or an agent of the Government, has a right to interfere with the investigations being conducted by the local grand juries.

Very truly yours,

ROBERT G. NICHOLS, Jr.,
District Attorney.

Mr. CASE of New Jersey. Mr. President, it has been suggested during the debate that the jury trial provisions in contempt cases arising out of labor disputes are a precedent for jury trials in civil-rights cases. The fallacy in this argument was well documented by the senior Senator from Oregon, an acknowledged expert in the field of labor injunctions during his tenure as dean of Oregon University Law School, in his speech on the Senate floor on July 23. His discussion of the point appears on pages 12460 through 12463 of the RECORD.

In addition, I have encountered two able briefs which trace in detail the history of Federal statutes dealing with this matter. The first of these was inserted by the Senator from Missouri [Mr. HENNINGS] in the CONGRESSIONAL RECORD on April 16, 1957, beginning on page 5765. The second was submitted by Representative EMANUEL CELLER, chairman of the House Judiciary Committee, during his appearance before the House Rules Committee on May 8, 1957. It may be found beginning on page 46 of the Rules Committee's report on H. R. 6127.

The Hennings memorandum outlines the history of Federal statutes in this field, in part, as follows:

Federal statutes: The only Federal statute which confers any right to a jury trial for contempt in labor-dispute cases is section 3692 of the Criminal Code (title 18 of the United States Code). The first sentence of this section reads:

"In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, and accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed."

There then follows a provision that the section shall not apply to contempts committed in the presence of the courts, etc.

On its face this section provides generally for jury trials for criminal contempt in labor-dispute cases. However, it is not entirely clear that this statute will be applied literally.

This section is derived from section 11 of the Norris-La Guardia Act (act of March 23, 1932, ch. 90, 47 Stat. 72, formerly 29 U. S. C. 111 (1940 edition)).

In its original form it applied only to contempt of injunctions issued under the Norris-La Guardia Act. In the famous Mine Workers case the Supreme Court ruled that the Norris-La Guardia Act, including section 11, does not apply to suits brought by the United States; and that the union was accordingly not entitled to a jury trial when Judge Goldsborough fined it $3,500,000 for criminal contempt. (The fine was reduced to $700,000 by the Supreme Court.) *United States* v. *United Mine Workers* (330 U. S. 258, 298, 67 S. Ct. 677, 698 (1947)).

The Norris-La Guardia Act was designed, of course, narrowly to restrict the circumstances in which private employers could obtain injunctions against striking labor unions. As indicated above, the Supreme Court held in the Mine Workers' case that the act did not apply to suits of the kind there brought by the United States.

When Congress enacted legislation bringing the Federal Government into the field of labor disputes, it is significant that it specifically provided that the jury trial provisions of the Norris-La Guardia Act should not apply. The brief submitted by Representative CELLER before the House Rules Committee points out that both the Wagner Act and the Taft-Hartley Act specifically provided that the equity jurisdiction of courts in cases arising under those acts should not be limited by the Norris-La Guardia Act.

Mr. President, I ask unanimous consent that the text of that brief be printed in the RECORD at this point in my remarks.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

In 1935 the National Labor Relations Act was enacted into law (49 Stat. 449 (1935), 29 U. S. C 160). The Wagner Act, as it is popularly known, provided the National Labor Relations Board with power to deal with unfair practices, and it further granted jurisdiction to the courts in certain cases to enforce the orders of the Board. While the National Labor Relations Act does not expressly provide for contempt proceedings, they are a corollary of the judicial power to issue enforcement orders. In House Report No. 1371, 74th Congress, 1st session, page 5 (1935), there is the statement to the effect that if an unfair practice is resumed or continued "there will be immediately available to the Board an existing court decree to serve as a basis for contempt procedings." In the sections of that act relating to prevention of unfair labor practices, provision is made for the enforcement of the Board's orders by petition in circuit courts of appeals; jurisdiction is conferred upon the courts to issue temporary restraining orders or other temporary relief and to issue decrees enforcing, modifying the order of the court. Section 10 (h) of the National Labor Relations Act of July 5, 1935 (49 Stat. 455) provided as follows: "When granting appropriate temporary relief or a restraining order, or making and entering the decree enforcing, modifying, and enforcing as so modified, for setting aside in whole or in part, an order of the Board, as provided in this section, the jurisdiction of the court sitting in equity shall not be limited by the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (U. S. C. Supp. VII, title 29, secs. 101–115)."

It is obvious, therefore, that the National Labor Relations Act (sec. 10 (h)) waived the Norris-La Guardia Act in its entirety, as applied to cases coming within the purview of the National Labor Relations Act itself. Not only were the courts authorized to issue injunctions, which had been banned under the provisions of the Norris-La Guardia Act, but it is clear from the language of the act and the statement of legislative intent as contained in the report, that the provisions of the Norris-La Guardia Act would not be applicable both as to the issuance of injunctions to enforce the Board's order nor to the power of the court, sitting in equity, to enforce such orders of the court. As an equity court, the court has ancillary jurisdiction to effectuate its decrees and to prevent them from being frustrated (28 U. S. C. 165); *Local Loan Co.* v. *Hunt* (292 U. S. 234); *Julian* v. *Central Trust Co.* (193 U. S. 93, 112); *Root* v. *Woolworth* (150 U. S. 401, 410–413); see also, *Steelman* v. *All Continent Corp.* (301 U. S. 278, 288–9); *Dugas* v. *American Surety Co.* (300 U. S. 414, 428); *Moore* v. *N. Y. Cotton Exchange* (270 U. S. 593); *Looney* v. *Eastern Texas R. R. Co.* (247 U. S. 214).

It is apparent that Congress did not intend the Norris-La Guardia Act provisions to apply to the proceedings arising out of the operations of the National Labor Relations Act. Here it should be noted that only a few years before, Congress had provided for the right to trial by jury in criminal contempt proceedings arising out of certain labor disputes. Therefore, it is a reasonable assumption that when consideration of the National Labor Relations Act was before the Congress, it was cognizant of the then-existing rights afforded for a jury trial in criminal contempt proceedings arising out of those labor disputes. A fair deduction is that if Congress had intended to continue the right to a trial by jury in such circumstances, it would have specifically so provided. Yet the clear and unequivocal wording of section 10 (h) of the National Labor Relations Act (supra) clearly indicates a waiver of all the provisions of the Norris-La Guardia Act, including the provisions for a jury trial, in cases where the Government was a party to the original action.

The subsequent legislative history of the National Labor Relations Act sustains this position beyond all doubt. In 1947 the National Labor Relations Act was amended by an act popularly known as the Taft-Hartley Act (Labor-Management Relations Act, 1947; 61 Stat. 136; 29 U. S. C. 141–188). That act, as it dealt with unfair labor practices, specifically section 10 (h) contained the exact wording of section 10 (h) of the original National Labor Relations Act; this language was a complete waiver of all the provisions of the Norris-La Guardia Act as to proceedings involving the issuance of injunctions and the enforcement thereof as authorized by the National Labor Relations Act. That such was the specific legislative intent is clearly indicated in House Report No. 245, 80th Congress, 1st session, page 43 (1947): "Section 10 (h) remains unchanged in the amended act."

The Taft-Hartley Act also provided the President with authority to seek injunctions against strikes which imperiled the public health and safety and authorized the Attorney General to seek the same, and provided the authority for the courts to issue them. Section 208 (b) of the Taft-Hartley Act (61 Stat. 155) provided as follows: "(b) In any case, the provisions of the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be applicable." Here is the second instance of a complete waiver of the entire Norris-La Guardia Act. The legislative intent to the effect that the Norris-La Guardia Act was inapplicable to proceedings under the amended National Labor Relations Act, is clearly indicated in House Re-

port No. 245, 80th Congress, 1st session, page 9 (1947), which states: "Second, the bill arms the President with authority to seek injunctions against strikes that imperil the public health and safety, and authorizes courts to issue injunctions in such cases without regard to the Norris-La Guardia Act."

Mr. CASE of New Jersey. Mr. President, despite these two clear indications of Congressional intent not to require jury trials in labor dispute cases brought by the United States, Congress in 1948 revised the criminal code and transferred section 11 of the Norris-La Guardia Act in revised form to the present section 3692 of title 18. It will be recalled that section 11 of the Norris-La Guardia Act had confined jury trials to "all cases arising under this act." Since the Supreme Court held in the Mine Workers case that the Norris-La Guardia Act did not apply to the suit there brought by the United States, Government cases, at least of the kind there involved were obviously excluded from the reach of this provision. However, in the 1948 revision, the provision was phrased in general terms. Section 3692 of title 18, the successor to section 11, phrased the provision in general terms so that it now reads "in all cases of contempt" growing out of a labor dispute the accused shall enjoy the right to a jury trial. Whether or not there is now a guaranty of jury trial in labor-dispute cases brought by the United States has not, to my knowledge, been decided. The evidence of the Wagner and Taft-Hartley Acts suggests that Congress did not intend such a result. However, the Hennings memorandum suggests that criminal contempt is not, in any event, of major significance, because civil contempt is normally adequate in labor-dispute cases.

As I have indicated, the reverse is true in litigation in the field of civil rights. In any event, there is a world of difference between the situation in the case of injunctions in labor disputes and injunctions involving voting rights and other civil rights, although, of course, by recent action of the Senate, the bill has been limited, tentatively at least, to the protection of voting rights.

In the case of labor disputes, as the Senator from Oregon, especially, and other Senators have so well pointed out, the matter at issue is one involving the economic interests of two private parties, employer and employee. No national interest is involved. The contary is true, so far as civil-rights cases and voting-rights cases, particularly, now, are concerned. Here a very great national interest is involved. It is peculiarly appropriate that there be no jury trials in these particular cases, where a national interest, as opposed to private economic interests, is involved.

I think I have clearly demonstrated, and other speakers on this subject also have demonstrated, that traditionally no right to trial by jury exists in the case of injunction suits. None whatever existed until 1914, when the Clayton Act provided, for the first time, that in private suits, where criminal contempt was involved, and the act alleged to be contempt of the order of the court was also a crime under Federal or State law, there should be a jury trial. However, that law applied only to cases brought by private parties; it did not apply to cases in which the Federal Government was a plaintiff. That situation continued until the Norris-La Guardia Act was adopted, which provided that in labor dispute cases, arising under that act, a jury trial might be had in all cases of contempt.

I think it might be interesting at this point to refer to the Wagner Act. The Wagner Act was, of course, the Magna Carta for organized labor. It provided for injunctive relief after the National Labor Relations Board had acted, for the enforcement by court orders and injunctions of Labor Relations Board orders. The Wagner Act specifically provided that the Norris-La Guardia Act should not be applicable.

Among the Senators voting for that act were Senators Borah, Norris, and Walsh, of Montana, three of the Senators who have been prominently mentioned as being supposedly for the right of trial by jury in all criminal contempt cases.

The Senator from Oregon [Mr. MORSE] pretty effectively disposed of the argument, based upon these giants of the past, in his speech earlier this week. I add this particular little item as a supplement to or comment upon this argument, which is wholly without any foundation whatever.

I said at the outset that I had just had an opportunity to read what I believed was a copy of the amendment on the jury-trial question which was most recently offered by the Senator from Wyoming [Mr. O'MAHONEY] for himself and also for the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Idaho [Mr. CHURCH]. While I have not had an opportunity to study the amendment, because it has just come to my desk, it appears to be applicable to all cases of criminal contempt and to provide that in all cases of criminal contempt, not merely those in civil-rights matters under the bill, but in all cases of criminal contempt in the Federal courts, there shall be the right of trial by jury.

There is no right under the Constitution to a jury trial in contempt cases, and even the most vigorous opponents of the bill have never contended that any such constitutional right ever existed. There is no question that injunctive relief is necessary to secure the voting rights which the bill provides for millons of citizens of the country. It is clear, too, that in cases brought by the United States, there has never been any right of trial by jury in contempt proceedings, with the single exception of those involving labor disputes. It is clear, too, that there was good reason for the provision for jury trials in cases of labor disputes; because the courts had really run wild, since there were great abuses of the injunctive power of the courts, and those abuses had to be curbed and stopped. They have been curbed and stopped, not only by providing for jury trials in such cases, but also by changes in the rules of criminal and civil procedure, which make it impossible to repeat such situations.

I suggest that the question of jury trial is no longer significant or an answer, perhaps even in labor cases. There is no evidence, and not a scintilla of evidence has been suggested, that any kind of abuse, present or prospective, by the courts of the United States has occurred in cases involving civil rights, abuse which would justify the kind of extraordinary exception made, for justifiable and sound reasons, in the case of labor disputes.

It is not necessary. As I think I have shown, or as I have attempted to show, not only is it not necessary, but the abuses—the failures of juries in areas of this country to convict in cases of civil-rights violations of the most flagrant kind—make it very clear that what is sought here is not a means to harass defendants, but is a means which will be sufficient to assure that the Constitution and the laws of the United States which protect the civil rights of citizens of the United States cannot be violated with impunity.

Mr. President, if this particular amendment of the Senator from Wyoming [Mr. O'MAHONEY] applied only to civil-rights cases, it should not under any circumstances be adopted. But the amendment would apply, as clearly appears, not only to civil-rights cases, but also to all contempts, of whatever nature, in the Federal courts; and therefore the amendment would directly impair the dignity and prestige of the courts of the United States, and would do irreparable damage to one of the three great, equal, independent parts of the Government of the United States.

Therefore, Mr. President, the amendment of the Senator from Wyoming should clearly be rejected.

Mr. President, I feel so strongly about this matter that, much as I believe in the bill—even in the watered-down part which still remains—I would counsel Senators who oppose the bill that if they must vote against part IV, or even against the bill itself, at least let them not vote to strike down the courts of the United States in civil-rights cases and in all other cases, as would be done, under the amendment of the Senator from Wyoming, by the provision of a jury trial in cases of criminal contempts.

Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

RECESS TO MONDAY

Mr. CASE of New Jersey. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess.

The motion was agreed to; and (at 8 o'clock and 2 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, to Monday, July 29, 1957, at 12 o'clock meridian.

NOMINATION

• Executive nomination received by the Senate July 26 (legislative day of July 8), 1957.

TERRITORY OF HAWAII

Farrant Lewis Turner, of Hawaii, to be secretary of the Territory of Hawaii. (Reappointment.)

EXTENSIONS OF REMARKS

Youth Festival of the International Union of Students

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Friday, July 26, 1957

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I have prepared regarding the biennial youth festival of the International Union of Students, being held at the present time in Moscow.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

For several months now a small furor has been raging in certain circles concerning the biennial youth festival of the International Union of Students, being held at the present time in Moscow. National magazines have commented about the fact that the United States National Student Association has refused to send an official American delegation to the festival, and as recently as July 15, the Washington Post took the State Department to task editorially for discouraging the few students who did make the trip on their own. The Associated Press reported the departure of these students, and we shall undoubtedly be hearing more of the matter when they return. We have heard so much about the State Department action with regard to newsmen in China that some might consider this a refreshingly different issue to get excited about.

But before we become too excited about protests against the State Department, some of the facts of the situation should be made clear. The case that is made by those who would have American students attend is based on the assumption that a large American delegation might help to increase understanding between the two halves of the world, and that such understanding on the student level would lead to greater hopes for peace in the future, when these same students become the world's leaders.

But it is naive to suppose that the Russians, who will be putting on what the London Sunday Times calls the most spectacular of the six youth festivals sponsored by the two Communist-front organizations, the World Federation of Democratic Youth and the International Union of Students, would allow such a spectacle to produce any reactions other than those which the Kremlin expects. If it were possible that a large American delegation could have an effect upon Communist youth, then Moscow would not have sent literature advertising this festival to student-body presidents all over the country.

Those who have criticized the State Department attitude should realize that it is the same attitude that the most representative of American student groups, the United States National Student Association, has independently taken. The students in this organization have long understood the communistic purposes of large numbers in the International Union of Students, have continually refused to join it or attend its meetings, and have spearheaded efforts to expose the group for what it is. American students have aided in informing students of other countries that the IUS is not a group of representative scholars, but rather a tool for Communist propaganda. For Americans to officially attend a meeting of such an organization could be to repudiate the basic assumption that any student group should reflect the ideas of the students who compose it rather than of the government of the country in which it exists. American students, by their presence, might indicate to the rest of the world an acquiescence to past and present IUS policy.

The Americans who did attend will return shortly and bring with them tales of their experience. But it is to be hoped that in the future the attitude of American student leaders will prevail—an attitude that favors true cultural exchange between students, but on students' terms, and not in an atmosphere wherein everything has been meticulously planned by a government that for a few days will be carefully on its best behavior in order to impress visitors.

Hungarian students who have escaped to this country since the recent Hungarian uprising have told officers of the United States National Student Association that at the youth festival held in Budapest in 1949 those American students who were present were housed in special housing units, transported on special trains, and restricted in almost all of their movements. The only Hungarian students who were allowed to speak to Americans were those who had been previously cleared and approved by a Hungarian youth group. Americans were not allowed to speak to any Hungarian citizens or to visit Budapest unless they were accompanied by a specially appointed guide. Obviously, there was no contact that would be of benefit either to the Americans or the Hungarians involved.

Congressional Support of the President

EXTENSION OF REMARKS
OF
HON. CARL T. CURTIS
OF NEBRASKA
IN THE SENATE OF THE UNITED STATES
Friday, July 26, 1957

Mr. CURTIS of Nebraska. Mr. President, I ask unanimous consent, on behalf of the Senator from Kansas [Mr. SCHOEPPEL], to have printed in the RECORD a statement prepared by him, together with certain correspondence, on the subject of Congressional support of the President.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHOEPPEL

Mr. Thomas N. Schroth, executive editor of the Congressional Quarterly, wrote a letter to me on June 14 and sent a copy to every Member of the Congress. It refers to my remarks delivered on the floor of the United States Senate on June 13, 1957. These appear on pages 8994 through 8996 of the CONGRESSIONAL RECORD of that date.

My statement was prompted by a letter addressed to me by Mr. Schroth on May 14, 1957. I inserted it in the CONGRESSIONAL RECORD as a part of my remarks. Immediately after I left the Senate floor, I wrote to Mr. Schroth as follows:

JUNE 13, 1957.

Mr. THOMAS N. SCHROTH,
Executive Editor, Congressional Quarterly, Washington, D. C.

DEAR MR. SCHROTH: On May 14, you sent me an advance copy of the study you prepared on the first interim measure of the Presidential support done by Congressional Quarterly for the sessions up to May 12.

I have examined this study with a great deal of care and I expressed my views regarding it on the floor of the United States Senate today.

Representative CRAMER, First District of Florida, on Tuesday, June 11, made a very penetrating analysis of your study which appears in the CONGRESSIONAL RECORD on pages 8870–8873. I am in complete accord with his views. Attached are copies of his statement as well as my remarks.

The Nation's press apparently relies on your statistical work for their appraisal of Congressional activities involving support for President Eisenhower's program. This imposes a great responsibility.

In view of the deficiencies which Representative CRAMER and I have found in your recent study, I feel that the press is entitled to some explanation from you as to why you continue to publish material which suggests sweeping conclusions from meager and incomplete data.

I will await your comments with interest.

Sincerely,

ANDREW F. SCHOEPPEL.

Mr. Schroth's letter of June 14 was written before he received my letter of June 13. On June 18 I received a further communication from him, including a copy of his June 14 letter which had been sent to every Member of the Congress. So that all the Members of the Congress may be familiar with this entire correspondence, I am placing his letter of June 18 in the CONGRESSIONAL RECORD at this point:

CONGRESSIONAL QUARTERLY
NEWS FEATURES,
Washington, D. C., June 18, 1957.

Hon. ANDREW F. SCHOEPPEL,
Senate Office Building,
Washington, D. C.

DEAR SENATOR SCHOEPPEL: This material has been sent to your colleagues in the Senate and House.

Thank you for your letter of June 13, which I believe crossed my letter to you of June 14.

Sincerely yours,

THOMAS N. SCHROTH,
Executive Editor.

On June 20 I acknowledged his letter with the following communication:

JUNE 20, 1957.

Mr. THOMAS N. SCHROTH,
Executive Editor, Congressional Quarterly, Washington, D. C.

DEAR MR. SCHROTH: Thank you for your letter of June 18 which advises me that your letter of June 13 crossed my letter of June 14.

Your letter of June 14, which you sent to every Member of the Congress, obviously is not responsive to my letter of June 13.

I will await with interest your comments on the specific issues which I raised in my statement on the Senate floor as well as the statements made by Representative CRAMER which appeared in the CONGRESSIONAL RECORD on June 11.

With best wishes, I am,

Sincerely,

ANDREW F. SCHOEPPEL.

Mr. Schroth replied to my letter of June 20, as follows:

CONGRESSIONAL QUARTERLY
NEWS FEATURES,
Washington, D. C., June 27, 1957.

Hon. ANDREW F. SCHOEPPEL,
Senate Office Building,
Washington, D. C.

DEAR SENATOR SCHOEPPEL: In answer to your letter of June 20, may I take the liberty of enclosing a copy of a letter which I wrote

to Mr. CURTIS of Missouri? This takes up most of the points raised by you and Mr. CRAMER.

I assume you saw the speech on the subject delivered by Mr. SIKES, of Florida (June 18 CONGRESSIONAL RECORD, pp. 9563–9567).

Sincerely yours,

THOMAS N. SCHROTH,
Executive Editor.

This letter fails to answer the points I raised in my letter of June 20.

Congressman CRAMER and I both correctly identified the rollcalls used in the Congressional Quarterly's so-called first interim measure of Presidential support. On June 26 Congressman CURTIS, of Missouri, corrected certain inaccuracies in his remarks of May 23, and inserted the letter he had received from Mr. Schroth in the CONGRESSIONAL RECORD. Mr. Schroth refers to his correspondence with Congressman CURTIS, of Missouri, as he apparently does not challenge any statement of fact contained in either my remarks or those of Congressman CRAMER.

Mr. Schroth, by implication in his letter of June 27, endorses the statements of Congressman SIKES, of Florida. The CONGRESSIONAL RECORD of June 18, on page 9564, refers to my remarks on the Senate floor on July 27, 1956. The Congressman from New York, Mr. DEROUNIAN, said:

"In the July 27 issue of the RECORD last year, on page 15070, in the remarks of Senator SCHOEPPEL, he introduced a letter from MARGARET CHASE SMITH, United States Senator from Maine, in which she is bemoaning the fact that the Congressional Quarterly has been unfair to her in its appraisal of her votes with the President. She says this: 'I was absent on 9 of the votes this year in the Congressional Quarterly analysis—and all 9 were marked as being against the President in spite of the manner in which I was announced.' "

The Congressman from Florida, Mr. SIKES, then said:

"Had the gentlelady filled out the questionnaire submitted to her by the Congressional Quarterly, she would have been recorded for or against on each of the votes in question."

Mr. Schroth knows that the Congressional Quarterly support scores do not reflect pairs or announced positions. They certainly are not based on replies to questionnaires, yet by referring to Congressman SIKES' statement, Mr. Schroth again attempts to confuse the issue.

I shall now comment on his letter of June 14. Mr. Schroth accuses me of "inaccurate and unfair attacks on Congressional Quarterly;" yet his letter of June 14 does not cite a single misstatement in my remarks. I refer my colleagues to the complete analysis of the Congressional Quarterly's statistical procedure which appeared in the CONGRESSIONAL RECORD of July 27, 1956, as well as to my statement of June 13, 1957.

Mr. Schroth states: "I believe that, if you knew of the false basis of the research material you have been handed, purporting to analyze Congressional Quarterly studies, you would not use that material."

On July 16, 1956, I read Raymond Moley's analysis of the Congressional Quarterly which appeared in Newsweek magazine. I believe that comments by a distinguished and experienced political reporter with the reputation enjoyed by Raymond Moley should be brought to the attention of the readers of the CONGRESSIONAL RECORD. I made certain comments referring to his column and included it in my remarks in the CONGRESSIONAL RECORD of July 16, 1956.

On July 17, 1956, I received a letter from Mr. Schroth in which he raised a number of points with respect to Congressional Quarterly procedures. I then undertook my own complete study of the Congressional Quarterly, in order to ascertain the true facts for myself. I have subscribed to the Congressional Quarterly for many years and still do. I had no difficulty in finding ample supporting data for Mr. Moley's criticisms of Congressional Quarterly's presentation of statistics in the material on file in my own office.

As a result of my own study, I cited numerous examples to show the consistent bias of the Congressional Quarterly in my remarks on the floor of the United States Senate on July 27, 1956.

Mr. Schroth, in his letter to me written a year ago and again in his letter of June 14, 1957, cites the number of newspapers who use the Congressional Quarterly. He has recently written three articles which appeared in the Christian Science Monitor. They describe the activities of the Congressional Quarterly.

While these articles were supposed to be a feature story in a distinguished newspaper, they were actually publicity material prepared by the Congressional Quarterly. This is shown by the fact that in the July 5 story, Mr. Schroth refers to a Congressional Quarterly feature as follows:

"Scheduled for publication early in May is the complete, official vote for President, Senator, and Representative in each of the Nation's 435 Congressional districts."

Mr. Schroth could have at least changed the tense to indicate that this material had been published 2 months ago.

In the July 3 Christian Science Monitor article, Mr. Schroth said:

"The subscription list includes the White House, Congressmen from both parties and all segments of the parties, the Republican and Democratic National Committees, and the Congressional campaign committees of both parties.

"Organizations subscribing to all or part of the services range from the National Association of Manufacturers to the AFL–CIO and include the National Association for Independent Business, the Cooperative League of the United States, Americans for Democratic Action, For America, free trade as well as high tariff advocates, and scores of other groups whose selective interests are dependent on the actions of Congress.

"Newspapers include the Christian Science Monitor, the Boston Herald and Traveler, the Boston Globe, all New York City newspapers, the two major Washington newspapers, and other papers in large and small cities all over the country.

"Magazine subscribers include all three major news weeklies and journals of opinion from both the left and right. Columnists who use the services include Roscoe Drummond, Walter Lippmann, David Lawrence, Arthur Krock, and Sylvia Porter.

"Such a variety of clients attests not only to the success of the concept behind CQ and Err, but also to the nonpartisanship and usefulness of the service."

As I have already indicated, my own office is a subscriber to the Congressional Quarterly. I am sure that many subscribers purchase it because, as Mr. Schroth himself said in his article of July 3:

"A graphic and significant example of CQ's service is the weekly publishing of every rollcall vote taken in the House and Senate for that week. Before 1945, when CQ was formed, it was virtually impossible for a reporter, an editor, or any interested person to put his hands readily on such a simple but important thing as a complete voting record of a Member of Congress, the vote of all Members on a particular item of legislation, or an individual's vote on a specific item."

I have never questioned its value as a ready source of information on the activities of Congress. I question how it interprets the statistical data for its features which appear in the press. Mr. Schroth's article in the Christian Science Monitor for July 5 says: "Newspaper clients also receive three news stories a week from CQ." These stories are usually printed with a CQ credit line and usually are not edited or changed by the press of the country. It is these stories which present an opportunity for bias and misinterpretation of data.

In his letter of June 14, 1957, Mr. Schroth states:

"Certainly our Presidential support story of May 12, which I sent to you, did not flatter the Republicans. But it was prepared with the same objective disinterest in the results that our stories in past years have featured. It was simply based on the votes of the Members and not on any political viewpoint."

I maintain that no organization primarily concerned with objective disinterested analysis would attempt to measure the support accorded President Eisenhower's legislative program by a study of nine Senate rollcalls.

Frankly, I was shocked that Mr. Schroth, who professes such disinterest, would suggest that I should select figures on the basis of their political utility rather than on the basis of their objectivity. Mr. Schroth's letter said:

"Frankly, Senator, I am at a loss to understand why you accept figures which put the Republican record in a worse light than that revealed by Congressional Quarterly figures."

Again, he said:

"I do not understand why you accept an analysis of Presidential support which worsens the record of the Republicans in preference to the Congressional Quarterly analysis which presents the objective facts."

Although, as chairman of the Senate Republican Campaign Committee, I have a strong desire to present the Republican record in the best possible light, I can assure my colleagues and Mr. Schroth that I will never present statistics which I know to be unfair because they support a political position. When I use statistics, I am interested in figures which reveal the truth. That is why I have challenged the objectivity of the Congressional Quarterly. Many editors who have used these support scores believed that they were based on sound statistical procedures. So did I, until Mr. Moley's statement forced me to make my own analysis. The Congressional Quarterly makes broad generalizations which are not supported by the data used in their so-called scores.

Mr. Schroth, after saying that the study of May 12, "was prepared with the same objective disinterest in the results that our stories in past years have featured," then admits that:

"The Congressional Quarterly interim story on Presidential support for the current session, issued as of May 12, was, as you say, timed 'to reach the press when President Eisenhower made his first television address.' We consider that good journalism and the scores of newspapers of all political points of view which used the story apparently agreed with us."

These statements are completely contradictory.

An objective analyst would have foregone the opportunity for sensationalism which, contrary to Mr. Schroth, is not good journalism, when he knew that there had been an insufficient number of rollcalls upon which to fairly appraise Congressional support of President Eisenhower's program. When the Congressional Quarterly produces a support score based on a mixture of a few House and Senate rollcalls, it is engaging in sensationalism, and not in intensive coverage of Congress. There were only nine Senate rollcalls included in the first interim Congressional Quarterly rating of support for the President's legislative program.

It is obviously unfair to measure support in the other body by counting 14 rollcalls on a single appropriation bill. In fact, a Member who happened to be absent on the one day when the House considered this bill, would automatically have his support score on 22 House votes reduced by 64 percent. According to the Congressional Quarterly standard, if he had voted for what they con-

sider to be the President's program on every other rollcall, because of his absence on a single day, he could not have attained a support score higher than 36 percent. Likewise, a Member who voted for these particular amendments but who was opposed to the President's Mideast resolution, the corn bill, and all of the other major items, would end up with a support score of 64 percent. This is, of course, utter nonsense.

On July 12, 1957, the Congressional Quarterly's weekly report presented the second interim support scores. Once again House and Senate votes are lumped together, producing a headline that President Eisenhower received 65 percent interim support. There are only 34 House and 32 Senate votes included in this ranking. The 15 House votes on minor amendments to two appropriation bills still account for 44 percent of the total House score. The unfairness of including so many minor votes on two appropriation bills when there are so few other votes is exemplified in the second Congressional Quarterly support score.

The distinguished minority leader in the other body is shown as having supported President Eisenhower's program 62 percent of the time. This low support score was produced by 10 votes involving amendments to the one appropriation bill I have discussed before. They were, in fact, the only opposition votes recorded. A single day's absence when 3 rollcalls were taken on one issue contributed another 9 percent to the low support score. On every other rollcall the Congressional Quarterly shows the minority leader in the other body as having voted in support of President Eisenhower's program. It is a disservice to Congressional Quarterly subscribers who rely on it as an impartial statistical agency to report facts in this manner.

The Congressional Quarterly refers to itself as "the authoritative reference on Congress." Mr. Schroth's letter to me of June 14 shows that they cannot even correctly report the facts on a simply statistical table.

In my remarks on June 13, I included a study which I had made of the support accorded President Eisenhower's program during the 83d and 84th Congresses. I again insert this table at this point in my statement:

All Eisenhower rollcalls

Congress	Number of votes	Eisenhower position				Opposed to Eisenhower position			
		Republicans		Democrats		Democrats		Republicans	
		Votes cast	Percent	Votes cast	Percent	Votes cast	Percent	Votes cast	Percent
83d	220	7,525	64.7	4,114	35.3	4,701	74.3	1,630	25.7
84th	203	6,682	59.4	4,575	40.6	4,053	70.3	1,715	29.7
Total	423	14,207	62.1	8,689	37.9	8,754	72.4	3,345	27.6

An examination of this table shows that in the 83d Congress there were 7,525 votes cast by the Republicans for President Eisenhower's program. The Democrats cast 4,114 votes. In other words, there were 11,639 votes cast by members of the two parties in support of the President's program.

The Republicans were responsible for 64.7 percent of these pro-Eisenhower votes, the Democrats for 35.3 percent. The 2 percentage figures in my table total 100 percent of the pro-Eisenhower votes. My data was not arranged to show the percentage of support or opposition among Republicans and among Democrats. Such support figures could, however, be derived from my table, as it contained the actual votes cast for and against the program in both Congresses by the members of the two parties. In spite of the fact that my table was clearly labeled, Mr. Schroth's letter contains the following statement:

"Here are the facts: Congressional Quarterly's summary scores for the 83d Congress:

Republicans:

Senate:	Percent
Support	72
Opposition	17

Democrats:

Senate:	Percent
Support	41
Opposition	43

"Congressional Quarterly's summary scores for the 84th Congress:

Republicans:

Senate:	Percent
Support	72
Opposition	16

Democrats:

Senate:	Percent
Support	44
Opposition	38

"Not only does this show exactly the opposite of what you charge—the Congressional Quarterly figures show clearly that the Republicans gave greater support than the Democrats to the Presidents' program during the 83d and 84th Congresses—but our score of Republican support in both Congresses is greater than your scores of 64.7 percent for the 83d Congress and 59.4 percent for the 84th Congress."

No qualified analyst could possibly confuse the figures of 64.7 percent and 59.4 percent which appeared in my table as a measure of Republican support contrasted with Republican opposition.

In order to set the record straight, I am including at this point a second table, which includes the identical votes used in the table I presented on June 13, but arranged to show support and opposition scores:

All Eisenhower rollcalls

Congress	Number of rollcalls	Republican votes				Democrat votes			
		Support		Opposition		Support		Opposition	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
83d	220	7,525	82	1,630	18	4,114	47	4,701	53
84th	203	6,682	80	1,715	20	4,575	53	4,053	47
Total	423	14,207	81	3,345	19	8,689	50	8,754	50

An inspection of this table immediately shows that in the 83d Congress, the Republicans had a support score of 82 percent as contrasted with 72 percent shown by the Congressional Quarterly. In the 84th Congress, my table shows a support score of 80 percent as contrasted with 72 percent, shown by the Congressional Quarterly. What is even more significant, my table for the 83d Congress shows a Democratic opposition score of 53 percent, in contrast with 43 percent shown by the Congressional Quarterly. In the 84th Congress, my table shows an opposition score for the Democrats of 47 percent, as contrasted with 38 percent shown by the Congressional Quarterly. My Republican support and Democratic opposition scores are higher than those of the Congressional Quarterly.

So, once again, the Congressional Quarterly's statistics are biased against the Republicans. In spite of the fact that my tables were clearly labeled, Mr. Schroth attempts to mislead my colleagues into believing that he has shown the Republicans in a better light than I.

The differences between my table and the statements by the Congressional Quarterly lie in the fact that I am willing to submit the entire record, including all of the details, to public scrutiny. I do not expect anyone to accept summary figures because I say they are correct.

On July 27, 1956, I included in the CONGRESSIONAL RECORD, volume 102, part 11, pages 15618–15627, a tabulation of the votes cast by the members of the two parties in the Senate for the entire 83d and 84th Congresses. Included with the summary tables were the worksheets which accounted for every rollcall during these two Congresses. The Eisenhower position was indicated in each case. The votes cast on each rollcall were also shown. No one has challenged the accuracy of these figures.

Mr. Schroth, in his letter of June 14, said:

"In the Congressional Quarterly story, you had a record of support for the President's program of 69 percent. Taking your own statistics, which you say are much more reliable than ours, you have a support score of 67.5 percent."

I can assure Mr. Schroth that these tables were compiled without any reference to my own voting record. I was concerned with presenting the facts, not my personal feelings. I endeavored to determine to the best of my ability the Eisenhower position based on statements in hearings and on the floor of the United States Senate on each rollcall. I then tabulated the votes as they were compiled by the Secretary of the Senate. My own score was completely immaterial. Facts are facts.

In my remarks on June 13, I said that the methods of the Congressional Quarterly were flexible. I repeat this accusation. When the vote on the corn bill is included in the President's program in the other body, but not in the Senate, this is a flexible standard. I repeat that charge.

Mr. Schroth included with his letter, Ground Rules for CQ Presidential Support-Opposition. In referring to appropriations, it says:

"Appropriations: Generally, rollcalls on passage of appropriation bills are not included in this tabulation, since it is rarely possible to determine the President's position on the overall revision Congress almost invariably makes in the sums allowed. An exception to this rule is the foreign-aid appropriation, since the program, although recurring, is not permanent. Votes to cut or increase specific funds requested in the President's budget also are included. For example, in 1956 the Senate's vote to increase Air Force funds by $800 million was a clear challenge to the President's views on national defense (amendment increasing

appropriation adopted, 48–40; Democrats, 43–3; Republicans, 5–37)."

Yet, in spite of these ground rules, 15 of the 34 House votes upon which the second interim Presidential support scores were based are rollcalls on amendments to appropriation bills. The bills as reported were quite different from the President's original budget request.

During the discussion of the Congressional Quarterly procedures in the other body, references were made to a statement prepared by the Senate Republican policy committee which referred to the Congressional Quarterly. In my remarks of July 27, 1956, I commented on Mr. Schroth's reference to a Congressional Quarterly statement by the Senate Republican policy committee in its memorandum No. 28 of July 21, 1955. So that the Members of the other body may be acquainted with all the facts on this subject, I ask unanimous consent to include my reference to this memorandum from my remarks of July 27, 1956, at this point in the CONGRESSIONAL RECORD. I said:

"Mr. Schroth next cited alleged Republican examples of use of their material to prove that the Republicans believed the Congressional Quarterly to be fair. He referred to the Senate Republican policy committee memo No. 28, of July 21, 1955.

"What Mr. Schroth is pointing to is a line on the second page of the memo which said: 'Survey shows Democrats lagging on President's program.'

"But Mr. Schroth conveniently did not cite the next two pages of the memo, which sharply criticized the statistical techniques employed by the Congressional Quarterly. I want to read pages 3 and 4 of this Senate Republican policy committee memo. It begins:

"'WHO PROVIDES THE WINNING MARGINS?

"'Congressional Quarterly makes some point that Democrats supplied the winning margin in 29 of the President's 33 victories in the Senate and all 18 of his 18 victories in the House. (CQ's test is whether Republican support alone was adequate to insure the President's victory in each case.)

"'HOW VALID IS A COMPUTATION LIKE THIS?

"'1. With more Democrats than Republicans in Congress, some Democratic votes are needed to pass almost all bills (except in rare cases when unpaired absences may give Republicans a temporary majority—hardly possible on any major party issue). Why should these necessary Democratic voted be called a winning margin—implying Democratic support of the President and Republican opposition?

"'2. In the Senate many matters require two-thirds votes (treaties, vetoes). Both Democratic and Republican votes are needed to make up this two-thirds. Why should the Democratic votes be considered the winning margin? If enough Republicans had not voted with the President, the Democrats alone could not have carried the issue. Why not credit those Republicans with the winning margin?

"'3. Winning-margin statistics are loaded when there are 2, 3, or more votes on amendments to a single measure (as was the case on the Formosa resolution, the $20 tax cut, trade-agreements extension, and the mutual-security measure). Multiple votes like these give a false impression of the number of winning margins. The picture is further confused when some votes are for an amendment and against the bill or vice versa.

"'4. The absurdity of claims to winning margins is shown by the fact that 90 percent of the Democrats might vote against the President's proposal, but if 10 percent help 100 percent of the Republicans to pass the bill, this 10 percent would be considered a winning margin—that President Eisenhower owes all to the Democrats. For example, suppose 78 Members of the Senate are present and voting (40 Democrats and 38 Republicans) as often happens. Republicans alone, even if 100 percent voted in favor of the President's measure (indicating solid party support), could not enact it. The Democratic votes alone could do it if they voted solidly for the bill which would never be the case if Republicans were solidly lined up for it, too, as on a party issue. If 36 (or 90 percent) of the Democrats opposed the President and 4 joined with the 38 (100 percent) Republicans, the measure would pass 42 to 36, and it would be said that the Democrats furnished the winning margin, even though 90 percent of them opposed the President.

"'Would it not be just as correct to say that in the same vote four Republicans who might have opposed the President, but did not do so, supplied the winning margin? Isn't the real interpretation of situations like this that it was not the picayune Democratic margin that supplied the victory, but the 100-percent solid Republican support?

"'5. These so-called winning margins merely reflect the fact that few measures in Congress are ever passed without the crossing of party lines. Does it give a true picture of party performance to use this routine practice to give winning-margin credits to either Republicans or Democrats? President Truman evidently did not think so when he lambasted the Republican 80th Congress which put the winning margin on many of his measures (and supplied the committee leadership and support of his measures as well).

"'If tests of party support of the President are to be run, let's not run them ragged, but base them on fairer, more reliable yardsticks of party performance.'"

My criticism of Congressional Quarterly's procedures has produced some improvement in their methods. Weekly report No. 28, dated July 12, in presenting Eisenhower victories and defeats on pages 831 and 832 does not attribute winning margins to either Republicans or Democrats. This practice was one of the principal objections voiced by both Ray Moley and myself against the Congressional Quarterly last year.

I can readily understand why many of my colleagues as well as members of the press and political leaders have used Congressional Quarterly figures. The Congressional Quarterly, because of its convenience and the wealth of information which it contains, has built a position with the press of the Nation. Mr. Schroth in his Christian Science Monitor article of July 3 said:

"Congressional Quarterly and Editorial Research Reports together serve nearly 400 United States newspapers with a total circulation of more than 30 million. The two services merged last July."

This dependence on the Congressional Quarterly by the Nation's press imposes a tremendous responsibility on the editors of the Congressional Quarterly. In my opinion, they have not discharged it in a nonpartisan manner.

As my remarks amply demonstrate, there has been a consistent statistical bias against the Republican Party in Congressional Quarterly support scores, whenever such a procedure could be followed without obvious detection. This could only come to light by a thorough and detailed analysis, such as I have made.

I do not blame anyone for quoting Congressional Quarterly support figures. They have been used so often that many of my colleagues are justified in believing them to be objective, unbiased statistical data. I hope that in view of the facts that have been developed, all readers of the Congressional Quarterly will be cautious in quoting from its statistical data in the future.

The 10th Pennsylvania Volunteer Infantry

EXTENSION OF REMARKS

OF

HON. EDWARD MARTIN

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, July 26, 1957

Mr. MARTIN of Pennsylvania. Mr. President, 59 years ago, on July 31, 1898, the 10th Pennsylvania Volunteer Infantry received its first test under enemy fire in the Philippines.

Fighting in a raging typhoon the Pennsylvania boys met and repulsed a superior force of Spanish regulars at Malate.

Each year that organization has held a reunion and this year will have its 58th annual reunion in Pittsburgh, August 3.

The 10th Pennsylvania Volunteers was the only eastern regiment to serve in the Philippines during the Spanish-American War and the Philippine Insurrection. It was the first organization under fire in the Philippines. The regiment originally had 921 officers and men, and there are 134 of these now living.

Mr. President, it should be remembered that every man who served in the Spanish-American War was a volunteer. It was the first war fought on foreign soil. The pay of the private was $13 a month, and it was paid in gold and silver.

The war cost less than $2 billion.

The soldier received no bonus, no adjusted compensation, no separation pay, and no vocational training at Government expense.

It was not until 20 years after the war that service pensions were provided for Spanish War veterans and no hospitalization was available until 24 years after the end of the war.

Mr. President, I ask unanimous consent that the roster of the living members of the 10th Pennsylvania Volunteers be printed in the RECORD.

There being no objection, the roster was ordered to be printed in the RECORD, as follows:

ROSTER OF THE 10TH PENNSYLVANIA VOLUNTEER INFANTRY, AS OF JULY 15, 1957—SERVED FROM APRIL 27, 1898, TO AUGUST 22, 1899, IN THE PHILIPPINES—58TH ANNUAL REUNION, AUGUST 3, 1957, PITTSBURGH, PA.

The box score as of July 15, 1957

	Living	Dead	AWOL	Total
Field and staff	1	21	0	22
Company A	16	94	1	111
Company B	9	101	1	111
Company C	20	92	0	112
Company D	22	88	3	113
Company E	13	100	1	114
Company H	16	94	1	111
Company I	13	100	0	113
Company K	24	89	1	114
Total	134	779	8	921

THE LIVING ROSTER

Veterans and date of birth

Regimental Noncommissioned Officer

Keffer, Prin. Mus. Frank M., 14437 Greenleaf Street, Sherman Oaks, Calif., January 10, 1875.

Company A—Monongahela, Pa.

Gee, Q. M. Sgt. Jonas M., 244 Third Street, California, Pa., June 21, 1875.

Keller, Sgt. Charles P., 1200 Main Street, Monongahela, Pa., February 13, 1874.

McConnell, Sgt. Wiley, Post Office Box 41, Presto, Pa., February 3, 1874.

McGregor, Cpl. William, 626 Shelby Street, Monongahela, Pa., December 8, 1875.

Yohe, Cpl. Frank E., 235 Marne Avenue, Monongahela, Pa., November 10, 1877.

Bell, Pvt. J. Lexington, 2426 Northeast Sixth Avenue, Fort Lauderdale, Fla., March 10, 1874.

Brown, Pvt. John C., 2530 Wellington Road, Cleveland Heights, Ohio, May 30, 1878.

Craft, Pvt. Frederick E., 1621 Sheridan Lane, Norristown, Pa., December 18, 1874.

Ford, Pvt. Wade, 433 Fourth Street, Monongahela, Pa., December 25, 1876.

Johnston, Pvt. Arthur R., Post Office Box 176, Shippenville, Pa., March 16, 1875.

Jolliffe, Pvt. R. Dale, 316 Bracken Avenue, Pittsburgh, Pa., January 5, 1876.

McKain, Pvt. William H., 611 Federal Street, Butler, Pa., May 31, 1868.

Phillips, Pvt. Joseph, Post Office Box 296, Penn, Pa., May 9, 1874.

Rowe, Pvt. George A., 841 30th Avenue North, St. Petersburg, Fla., June 3, 1873.

Van Voorhis, Pvt. William T., 514 West Main Street, Monongahela, Pa., June 23, 1868.

Wall, Pvt. Jesse J. B., Post Office Box 216, Buckroe Beach, Va., August 16, 1878.

Company B—New Brighton, Pa.

Beitsch, Q. M. Sgt. George E., Rural Delivery 2, Beaver Falls, Pa., August 5, 1870.

Cleckner, Cpl. William M., 432 Sheppard Road, Mansfield, Ohio, June 27, 1875.

Mennell, Cpl. John A., 1400 26th Avenue North, St. Petersburg, Fla., January 9, 1878.

Bauman, Pvt. Theodore G., 405 Wissner Avenue, Beaver Falls, Pa., May 24, 1869.

Ketterer, Pvt. William A., 325 Adams Street, Rochester, Pa., January 10, 1877.

Levis, Pvt. William T., 2430 Eighth Avenue, Beaver Falls, Pa., January 23, 1879.

Miller, Pvt. Harry W., 5513 Madison Avenue, Ashtabula, Ohio, June 13, 1880.

Smith, Pvt. William E., Rural Delivery 1, Box 83, Brockport, Pa., November 11, 1877.

Woolslayer, Pvt. George, 132 Moorhead Street, Erie, Pa., July 22, 1873.

Company C—Uniontown, Pa.

Collins, Cpl. Charles O., 55 Phillippi Avenue, Uniontown, Pa., December 8, 1876.

Turley, Cpl. John H., 609 Country Club Road, Fairmont, W. Va., April 14, 1875.

Anderson, Pvt. G. Fred, 136 West Strawberry Avenue, Washington, Pa., February 13, 1879.

Barnes, Pvt. John R., 120 Morgantown Street, Uniontown, Pa., February 28, 1866.

Black, Pvt. Charles H., 5504 Newton Street, Cheverly, Md., June 4, 1877.

Collins, Pvt. William D., 2709 East Tower Lane, Tucson, Ariz., January 7, 1880.

Curry, Pvt. Robert D., Post Office Box 476, Ogallala, Nebr., November 12, 1876.

Daugherty, Pvt. Homer J., Rural Delivery 1, Smithfield, Fayette County, Pa., March 20, 1879.

Dean, Pvt. John A., Rural Delivery 1, Box 626, Uniontown, Pa., December 3, 1878.

DeGardeyn, Jr., Pvt. Abraham, 13 Water Street, Point Marion, Pa., September 20, 1875.

Griffith, Pvt. Robert E., 305 Loucks Avenue, Scottdale, Pa., September 1, 1875.

Lewis, Pvt. Charles J., Post Office Box 511, Republic, Pa., August 22, 1878.

Little, Pvt. William E., 1521 Buena Vista Street, Pittsburgh, Pa., December 29, 1876.

McMasters, Pvt. Albert L., Post Office Box 355, Donora, Pa., March 28, 1878.

Miller, Pvt. Marling C., Post Office Box 831, Uniontown, Pa., September 21, 1878.

O'Neal, Pvt. Charles W., 46½ West Peters Street, Uniontown, Pa., April 20, 1875.

Rockwell, Pvt. Allen B., 2968 Mill Creek Road, Mentone, Calif., July 16, 1878.

Shanaberger, Pvt. Frank W., 130 Connellsville Street, Uniontown, Pa., January 29, 1876.

Underwood, Pvt. Leroy, Post Office Box 721, Uniontown, Pa., June 3, 1875.

Wood, Pvt. John W., 365 East Main Street, Uniontown, Pa., December 26, 1875.

Company D—Connellsville, Pa.

Ulsh, 2d Lt. Sammie V., Sugartown Road and Route 202, Malvern, Pa., September 14, 1873.

Mills, Sgt. George E., 217 South Chestnut Street, Clarksburg, W. Va., October 5, 1876.

Pape, Cpl. John S., 1407 Phyllis Avenue, Louisville 8, Ky., May 15, 1874.

Bretz, Pvt. Samuel E., 33 South Hanover Street, Carlisle, Pa., July 8, 1881.

Calhoun, Pvt. Andrew A., 773 Ohio Street, Gary, Ind., May 4, 1876.

Cope, Pvt. James H., 207 Walnut Avenue, Greensburg, Pa., April 11, 1875.

Cunningham, Pvt. Richard T., 1114 Sycamore Street, Connellsville, Pa., December 3, 1876.

Cunningham, Pvt. Thomas R., 227 Queen Street, Connellsville, Pa., September 13, 1876.

DeBolt, Pvt. William E., 202 South 10th Street, Connellsville, Pa., December 9, 1877.

Gaffney, Pvt. James A., New Stanton, Pa., March 13, 1875.

Geddes, Pvt. George A., 208 Belmont Avenue, Los Gatos, Calif., November 30, 1875.

Hamilton, Pvt. James C., Hotel Marengo, Pasadena, Calif., July 4, 1876.

Jennewine, Pvt. Edgar C., R. D. 6, Box 271, Morgantown, W. Va., August 27, 1879.

Johnston, Pvt. Frank C., 343 North 104th Street, Seattle, Wash., November 20, 1872.

Menefee, Pvt. Frederick, Postoffice Box 871, Uniontown, Pa., March 15, 1875.

Morgan, Pvt. George Clymer, United States Veterans' Hospital, Roseburg, Oreg., November 9, 1880.

Morrison, Pvt. Oliver N., 1514 Clay Avenue, Napa, Calif., August 26, 1868.

Port, Pvt. Frank B., 210 Jefferson Street, Connellsville, Pa., June 3, 1878.

Rosenecker, Pvt. Charles J., 375 Derrick Avenue, Uniontown, Pa., August 4, 1875.

Stillwagon, Pvt. Alexander A., R. D. 1, Dover, Ark., July 25, 1878.

Wilson, Pvt. Harry C., 415 Baldwin Avenue, Connellsville, Pa., May 1, 1877.

Wood, Pvt. Edward N., 343 Walnut Street, Nogales, Ariz., April 19, 1874.

Company E—Mount Pleasant, Pa.

Hawkins, Sgt. Edward, 116 North Mill Street, Covington, Ga., October 1, 1877.

Christner, Cpl. William S., 820 South 45th Street, San Diego, Calif. November 1, 1872.

McShane, Cpl. James, 479 McKee Avenue, Monessen, Pa., March 18, 1877.

Ringler, Cpl. Charles E., Jones Mills, Westmoreland County, Pa., January 13, 1878.

Cooper, Pvt. Edward H., 533 East Washington Street, Mount Pleasant, Pa., January 30, 1875.

Devlin, Pvt. Walter J., 456 West Union Street, Somerset, Pa., March 4, 1871.

Hummer, Pvt. Harry R., 621 Spring Street, Latrobe, Pa., April 30, 1877.

Kinkead, Pvt. Harry M., Star Route, Irvine, Warren County, Pa., November 11, 1874.

Markle, Pvt. John A., 1208 Noyes Drive, Silver Spring, Md., March 26, 1873.

Mason, Pvt. Bert, 332 East Main Street, Mount Pleasant, Pa., January 29, 1879.

Reese, Pvt. Albert G., Veterans' Administration Center, Company No. 2, Thomasville, Ga., March 6, 1876.

Risheberger, Pvt. James R., 1521 Massachusetts Avenue, St. Cloud, Fla., June 7, 1868.

Roadman, Pvt. Joseph D., Postoffice Box 8, La Puente, Calif., August 13, 1877.

Riffle, James (mascot), 4525 East Eighth Lane, Hialeah, Fla., July 2, 1882.

Company H—Wahington, Pa.

Weirich, Jr., Sgt. Samuel K., 147 East Wheeling Street, Lancaster, Ohio, June 24, 1871.

Wherry, Cpl. Eli H., 422 Spruce Avenue, Kansas City, Mo., November 22, 1870.

Cope, Pvt. Harry E., Law Library, Courthouse, Greensburg, Pa., November 30, 1876.

Dunlap, Pvt. Chester O., 1330 Moncado Drive, Glendale, Calif., December 1, 1875.

Griffin, Pvt. Shan M., 52 Morgan Avenue, Washington, Pa., October 8, 1878.

Kennedy, Pvt. William U., 16 Murtland Avenue, Washington, Pa., October 11, 1878.

McKeag, Pvt. George B., 115 Fern Avenue, Collingswood, N. J., February 24, 1877.

McMurray, Pvt. John R., 890 38th Street, Santa Cruz, Calif., October 9, 1878.

Phillips, Pvt. Charles W., 416 Wilson Avenue, Washington, Pa., August 30, 1874.

Power, Jr., Pvt. Edward M., 5803 Wellesley Avenue, Pittsburgh, Pa., October 11, 1874.

Reed, Pvt. William E., 30 South Sixth Street, Duquesne, Pa., January 18, 1872.

Reese, Pvt. Thomas M., Postoffice Box 265, Canonsburg, Pa., May 24, 1872.

Shidler, Pvt. Walter J., 869 North Crockett Street, San Benito, Tex., October 15, 1877.

Stewart, Pvt. Charles L., 706 West Eighth Street, Erie, Pa., November 29, 1865.

Tush, Pvt. James W., P. O. Box 106, Belpre, Ohio, January 25, 1877.

Woodside, Pvt. Robert G., 3838 First Avenue South, St. Petersburg, Fla., July 16, 1876.

Company I—Greensburg, Pa.

Laird, 1st Lt. Richard D., Judge's Chambers, Court House, Greensburg, Pa., June 30, 1872.

Banks, Cpl. Andrew, South Main Street, Mifflintown, Pa., March 21, 1866.

Loucks, Cpl. Charles H., 14 Spring Street, Scottdale, Pa., October 18, 1868.

Dooley, Pvt. Daniel A., P. O. Box 473, Ligonier, Pa., June 8, 1877.

Fenton, Pvt. John D., 3211 East Second Street, Long Beach, Calif., June 30, 1876.

Highberger, Pvt. Charles C., 1050 Sherman Street, Denver, Colo., March 8, 1879.

Johnson, Pvt. Albert C., 541 South Street, Greensburg, Pa., March 4, 1875.

Leonard, Pvt. Burt H., P. O. Box 105, Atascadero, Calif., March 17, 1877.

Mahaney, Pvt. James C., P. O. Box 42, Santa Susana, Calif., February 4, 1878.

Mensch, Pvt. Howard A., 901 Campbell Avenue, SW., Roanoke, Va., April 4, 1876.

Rugh, Sr. Pvt. Alfred F., R. D. 3, Box 89, Smithfield, Fayette County, September 24, 1873.

Saam, Pvt. Kennett W., 9930 Frankstown Road, Pittsburgh, Pa., March 17, 1878.

Truxell, Pvt. Geary E., P. O. Box 16, Punta Gorda, Fla., November 14, 1874.

Company K—Waynesburg, Pa.

Martin, Sgt. Edward, Senate Office Building, Washington D. C., September 18, 1879.

Biggins, Cpl. James E., Merion Gardens, Merion, Pa., December 9, 1876.

John, Cpl. Samuel L., P. O. Box 973, Warren, Ohio, April 18, 1873.

Milliken, Cpl. Lorenzo F., 2034 Sansom Street, Philadelphia, Pa., December 25, 1877.

Ullom, Cpl. Jesse F., 136 North Richhill Street, Waynesburg, Pa., November 2, 1879.

Bush, Pvt. Joseph K., 247 Prospect Street, Box 2, Brownsville, Pa., July 27, 1874.

Cathers, Pvt. Albert, 1040 Ninth Street, Waynesburg, Pa., November 9, 1879.

Chambers, Pvt. John H., Post Office Box 384, Zephyrhills, Fla., June 22, 1880.

Cooke, Pvt. Robert A., 316 Massachusetts Avenue, St. Cloud, Fla., November 27, 1878.

Dillie, Pvt. Oren I., Wind Ridge, Pa., August 12, 1876.

Hamilton, Pvt. Benjamin F., 797 Hazelwood Avenue SE., Warren, Ohio, October 15, 1876.

Keys, Pvt. Lowye, Jefferson, Pa., December 3, 1880.

McCullough, Pvt. Joseph W., 504 Walnut Street, Waynesburg, Pa., August 3, 1871.

McVay, Pvt. Bruce W., 751 24th Avenue N., St. Petersburg, Fla., August 1, 1876.

Morris, Pvt. Oliver, R. D. 3, Waynesburg, Pa., September 14, 1877.

Pfinder, Pvt. Charles W., 2 Redland Avenue, Amherst, Nova Scotia, Canada, September 18, 1877.

Sargent, Pvt. Harry H., 6716 Thomas Boulevard, Pittsburgh, Pa., July 21, 1877.

Scott, Pvt. Donald C., 111 Southwest Street, Waynesburg, Pa., December 2, 1877.

Scott, Pvt. Jesse R., 326 East High Street, Waynesburg, Pa., April 6, 1878.

Scott, Pvt. Winfield S., 125 West Hackberry Street, Enid, Okla., April 10, 1879.

Smith, Pvt. Wilbert H., Osceola, Nebr., September 27, 1877.

Weaver, Pvt. James M., 1190 Maple Terrace, Washington, Pa., December 2, 1876.

Williams, Pvt. John A., R. D. 3, Box 468, Ginger Hill, Monongahela, Pa., October 9, 1873.

Wood, Pvt. Charles B., R. D. 5, Waynesburg, Pa., March 13, 1875.

OUR UNACCOUNTED-FOR MEMBERS

Pvt. David Keck (Company A).
Pvt. Alexander C. Littler (Company B).
Pvt. Harry A. Everly (Company D).
Pvt. Harry King (Company D).
Pvt. Robert L. Shaffer (Company D).
Pvt. William Bartell (Company E).
Pvt. Ernest M. Newlon (Company H).
Pvt. Charles R. Shillitoe (Company K).

DAN A. DOOLEY,
Recorder.

LIGONIER, PA., *July 15, 1957.*

SENATE

MONDAY, JULY 29, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O gracious Lord, who hast watched over us through all our yesterdays, in Thee is our assurance for today and our reliance for tomorrow. Thou hast made us not to be caged behind the limiting bars of earthly desires, but such that the range of our spirits may be as the flight of wings, and the lifting up of our hearts as the lark that at dawn soars and sings its song of faith at Heaven's gate. As the days of a new week open, save us, as servants of the Nation, from all shallow contentions and from unsure haste. Beneath all differences of outlook, feeling, and opinion, we rejoice in sensitive understandings revealing a oneness deeper than the surface things that separate.

We pray in the name of the Christ whose love and service form the golden cord close binding all mankind. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Friday, July 26, 1957, was approved, and its reading was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, pursuant to an order entered on Friday, there will be a period for the transaction of routine business, with statements limited to 3 minutes.

The VICE PRESIDENT. That is correct. Morning business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS FIRMS IN THE UNITED STATES FOR EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report on military prime contracts with business firms in the United States for experimental, developmental, and research work (with an accompanying report); to the Committee on Armed Services.

PROCUREMENT OF ADDITIONAL HOSPITAL, MEDICAL, AND OTHER KEY PERSONNEL BY VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans Administration, Washington, D. C., transmitting a draft of proposed legislation to make available to the Veterans' Administration additional sources for securing hospital, medical, and other key personnel (with an accompanying paper); to the Committee on Armed Services.

REPORT ON NUMBER OF AIR FORCE OFFICERS ASSIGNED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Director, Legislative Liaison, Department of the Air Force, Washington, D. C., reporting, pursuant to law, as of June 30, 1957, there was an aggregate of 2,756 officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of Government; to the Committee on Armed Services.

REPORT ON REAL PROPERTY MADE AVAILABLE AND DISPOSED OF TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Secretary of Health, Education, and Welfare, Washington, D. C., transmitting, pursuant to law, a report on real property made available and disposed of to Public Health and Educational Institutions, for the period April 1 through June 30, 1957 (with an accompanying report); to the Committee on Government Operations.

CONSTRUCTION OF IRRIGATION DISTRIBUTION SYSTEM AND DRAINAGE WORKS FOR CERTAIN INDIAN LANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, Calif., and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIEN SEAMEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a list of Yugoslav crewmen whose admission was authorized by law (with an accompanying paper); to the Committee on the Judiciary.

AUDIT REPORT ON REVIEW OF ACQUISITION AND DISPOSAL OF REAL ESTATE, CORPS OF ENGINEERS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of acquisition and disposal of real estate, Corps of Engineers (civil functions), Department of the Army, dated January 1957 (with an accompanying report); to the Committee on Public Works.

PROPOSED AMENDMENT OF HATCH ACT

A letter from the Chairman, United States Civil Service Commission, Washington, D. C., transmitting a draft of proposed legislation to amend certain provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, and for other purposes (with accompanying papers); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Advertising Association of the West, at Honolulu, T. H., on June 27, 1957, favoring the enactment of legislation granting statehood to Hawaii; to the Committee on Interior and Insular Affairs.

PROPOSED ADVISORY COMMISSION OR COMMITTEE ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution from the National Association of Attorneys General, of which I had the honor to be a member when I served at attorney general of the State of New York, on the subject of the appointment of State attorneys general and other representatives of State governments on the proposed Commission or Advisory Committee on International Rules of Judicial Procedure.

I am advised by my distinguished successor, Attorney General Louis J. Lefkowitz, that this resolution was adopted at the annual meeting of the association at the end of June, at Sun Valley, Idaho.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION TO MEMORIALIZE CONGRESS TO PROVIDE, IN ANY BILL ADOPTED BY IT FOR THE ESTABLISHMENT OF A COMMISSION AND/OR ADVISORY COMMITTEE ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE, FOR THE APPOINTMENT OF STATE ATTORNEYS GENERAL AND OTHER REPRESENTATIVES OF STATE GOVERNMENTS ON SUCH COMMISSION AND ADVISORY COMMITTEE

Whereas there was introduced in the 85th Congress, 1st session, on February 11, 1957, by Congressman EMANUEL CELLER, legislation entitled "A bill to establish a Commission and Advisory Committee on International Rules of Judicial Procedure" (H. R. 4642); and

Whereas a purpose of said bill, as stated in section 2 thereof, is that procedures necessary or incidental to the conduct and settlement of litigation in State and Federal courts and quasi-judicial agencies which involve the performance of acts in foreign territory, such as the service of judicial documents, the obtaining of evidence, and the proof of foreign law, may be more readily ascertain-